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WAS MARX AN ANTI-SEMITE?

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INTRODUCTION

NO social thinker in the last hundred years has exercised a greater influence upon mankind than Karl Marx. This fact, as well as his predominant position in modern socialism, renders his ideas on Jews particularly important. The centenary of the *Communist Manifesto* (1848), recently celebrated all over the world, offers an excellent opportunity for examining some neglected aspects of his thought, among which the Jewish problem is perhaps not the least interesting. It is obvious that his attitude towards the Jews can be determined not by quoting some passages chosen at random, but only by a comprehensive analysis of all of his relevant statements. Because of the voluminousness of his literary output, such an analysis, if it is to accomplish its purpose, cannot be as concise as the author would otherwise desire in the interest of the reader.*

Karl Marx was born at Trier, on May 5, 1818, of a respectable bourgeois family, and received a regular academic training at the Gymnasium of his native town and at the universities of Bonn and Berlin, where he studied jurisprudence,

* The following abbreviations will be used in the footnotes:

CHRONIK Marx-Engels-Lenin Institute. *Karl Marx; Chronik seines Lebens* (Moscow, 1934).

MEGA Marx-Engels, *Gesamtausgabe,* ed. by the Marx-Engels Institute. *Erste Abteilung* (Frankfort, Berlin, Moscow, 1927-1935), 7 vols.

MEKOR Marx-Engels, *Gesamtausgabe. Dritte Abteilung. Der Briefwechsel zwischen Marx und Engels* (Berlin, 1929-1931), 4 vols.

MN Mehring, *ed., Aus dem literarischen Nachlass von Karl Marx . . .* (Stuttgart, 1902), 4 vols.

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history, and philosophy. In 1843, he married Jenny von Westphalen, daughter of Privy Councillor Ludwig von Westphalen. His fiancée fought the bitterest fights against her pietistic-aristocratic relatives before the marriage took place.[1] Shortly thereafter, Marx went to France, where he expected to enjoy greater political freedom than in Germany. Having reached the conclusion that the economic factor determines the whole social life, he began in 1844, while in Paris, to devote himself to the study of political economy. After his expulsion from France (1845), he pursued his studies in Belgium, whence he was expelled in 1848. He took part in the revolutionary movement of the Rhineland, and at Cologne edited the *Neue Rheinische Zeitung*. Expelled once more (1849), he took refuge in Paris. Driven out from there, he settled in London (1849-1883), where, in spite of the financial assistance of his friend Friedrich Engels, he led the hard life of a political exile until his death (March 14, 1883). It may be added that he was "stateless," to use a rather anachronistic term. In 1845, while in Brussels, he renounced his Prussian citizenship, which sixteen years later he vainly tried to regain with Lassalle's help. He also applied for British citizenship, but the Home Office rejected his application (1874) on the grounds that "this man was not loyal to his king."[2] He played a prominent part in the International Workers' Association, and his intellectual ascendency over the labor movement grew even stronger after his death. His contribution to socialist theory centers about three essential concepts: surplus value, historical materialism, and class struggle. They are all too well known to need any elaboration in this brief introduction.

The sources of this essay are numerous: the writings of Marx which appeared during his lifetime, his posthumous publications, and his private correspondence. The most relevant for the present study are: *Zur Judenfrage* (1844), *Die Klassenkämpfe in Frankreich* (1850), *Der achtzehnte Brumaire des Louis Bonaparte* (1852); articles, signed or anony-

[1] Marx to Ruge, March 13, 1843, MEGA I^2, 307.
[2] CHRONIK, 348.

mous, in the *Neue Rheinische Zeitung* (1848-1849), *Neue Oder-Zeitung* (1855), *The New York Tribune* (1852-1856); *Revolution and Counter-Revolution in Germany in* 1848, a collection of articles written by Engels, but signed, that means, subscribed to, by Marx; the first volume of *Das Kapital* (1867), the only one completed during the lifetime of Marx. References to the Jews are also found in works written jointly by Marx and Engels: *Die heilige Familie* (1845) includes three sections on the Jewish problem signed by Marx; on the other hand, *Die Deutsche Ideologie* (1845-1846), published posthumously, is drafted in such a way as to make the individual contributions of the co-authors not discernible. Finally, Marx's letters to Engels are of exceptional significance for the subject to be dealt with here.

Most of Marx's manuscripts and correspondence were and still are in the possession of political parties, a fact which certainly does not facilitate research. Their publication was and still is subject to political considerations and party decisions. Thus, for example, the correspondence between Marx and Engels was "purified" by its social-democratic editors, Bebel and Bernstein,[3] who eliminated all passages which they believed to be vulgar, and who omitted, of course, all anti-Jewish slurs and utterances of the masters. The communists, on the other hand, promised to publish a complete edition of their works in some forty-two volumes, and, in effect, brought out a number of hitherto unknown sources. In 1931, however, Riazanov, director of the Marx-Engels Institute in Moscow, was removed from his office, and four years later, the Institute suspended the publication of the *Gesamtausgabe,* after having published altogether only eleven volumes. Independently of the latter edition, the Institute issued other volumes suffering from basic defects: important letters and manuscripts (such as Marx's "Chronologische Auszüge"), were published, not in the original language, but only in Russian translation. The chronicle of Marx's life—a volume of over four hundred and fifty pages prepared by

[3] *Der Briefwechsel zwischen F. Engels und K. Marx* (Stuttgart, 1919), 4 vols.

the Institute—contains not more than two pages on the master's home and school years (1818-1835), and displays a great indifference to his genealogy and early education. Documents about Marx's relation with the Jewish Community in Cologne were either not collected or, in any case, not published by the Institute. The indexes to both the German and, particularly, the Russian edition of the collected works are unreliable.

To judge by their titles, about half a dozen essays deal with Marx's attitude toward the Jewish question. None of them, however, adequately covers the subject. Freiherr Otto von Boenigk's article on "Marx and the Jewish Problem,"[4] instead of analyzing the question, preaches a fusion of Germans with German Jews, a process which, in his opinion, promises an excellent blend. Benzion Hoffmann, in his paper bearing the same title,[5] limits himself to an analysis of Marx's *Zur Judenfrage*, neglecting other sources which were known at the time of his publication. The same criticism applies also to the otherwise interesting essays of Arje Tartakower ("Marx and Judaism"), Camillo Berneri ("Karl Marx, the Anti-Semite"), and Marcos Weinstein ("Marx and the Jewish Question").[6] Solomon F. Bloom's article ("Karl Marx and the Jews")[7] is in every respect more complete and satisfactory, but none the less leaves many important aspects of the problem unexamined.

I

Origin and Background of Karl Marx

Few, if any, revolutionaries had a more distinguished rabbinical genealogy than the author of *Das Kapital*. His father, Heschel Marx, a lawyer, could, had he been interested,

[4] Von Boenigk, in *Die Gegenwart*, XLV (1894), 180-182.

[5] Zivyon, *pseud.* [B. Hoffmann], *ed.*, *Karl Marx* (New York, 1918), pp. 153-174 [Yiddish].

[6] Tartakower, in *Miesiecznik zydowski*, III[1] (1933), 224-238 [in Polish]; Berneri, *Le Juif antisémite* (Paris, [1935]), pp. 62-78; Weinstein, in *Judaica*, V (1938), 1-19 [in Spanish].

[7] Bloom, in *Jewish Social Studies*, IV (1942), 3-16.

discuss theological problems within a circle of his nearest blood relatives: his father and his brother. The first, Marx Levi (later known as Marx only) was a rabbi at Trier; the second, Samuel Marx Levi,[8] a member of the Great Sanhedrin and chief rabbi of the Department of the Saar, with headquarters at Trier. Heschel Marx's mother was a daughter of Moses Lwow, rabbi at Trier, whose father Joshua Heschel Lwow (d. 1771) exercised the same profession in the same town, exactly as his own father Aaron Lwow (d. 1712) had done a generation before. The latter was a son of Moses Lwow, a Jewish scholar who lived in Poland in the seventeenth century. This family tree, established with "mathematical certainty,"[9] can even be traced back further. There are very plausible reasons for believing that it included Joseph ben Gerson Cohen (d. 1591), head of the Talmud School at Cracow, Meir ben Isaac Katzenellenbogen (d. 1565), outstanding rabbi at Padua, and the famous rabbi Jehuda ben Eliezer ha-Levi Minz (*ca.* 1408-1508) who left Germany and settled at Padua by 1456 because of the outbreak of Jewish persecutions.[10]

Karl's mother, Henriette Marx née Pressburg (1787-1863), born at Nymwegen, was a descendant of a Hungarian Jewish family which, in the sixteenth century, had settled in Holland; and there its sons were rabbis for generations. Her mother language was Dutch, and up to her death she spoke German faultily and with difficulty.[11] She was a careful mother with no intellectual gifts and was unable to gain either the respect or the love of her son. Though married to a baptized Jew, she was, for unknown reasons, not very anxious to join her husband's new religion. Apparently, she was also responsible for the late baptism of their seven children. Over six years passed until all of them, including Karl, and all at the same time (August 26, 1824), received bap-

[8] A. Kober, "Karl Marx's Vater und das napoleonische Ausnahmegesetz," *Jahrbuch des kölnischen Geschichtsvereins,* XIV (1932), 115.

[9] B. Wachstein, "Die Abstammung von Karl Marx," *Festskrift . . . David Simonsen* (Copenhagen, 1923), p. 284.

[10] *Ibid.*, pp. 279-289.

[11] Eleanor Marx, in W. Liebknecht, *Karl Marx* (Chicago, 1906), p. 165.

tism. There is a statement in the parish-register of the Protestant community of Trier to the effect that she did not yet want to embrace Christianity because her parents were still living, but that she wished the conversion of her children.[12] She was baptized only a year later, in November, 1825. Whether filial piety was the only—or even the main—factor responsible for her resistance to conversion is doubtful, because, after all, consenting to her own children's conversion can hardly have been a lesser crime in the view of her rabbinical family than her own change of religion would have been.

Karl was deeply attached to his father. His daughter Eleanor relates that he never tired of talking about him. He always carried with him a photograph of his father, whose features as a whole were of a "distinctly Jewish, but fine Jewish type."[13] Imbued with eighteenth-century French philosophy, Heschel Marx (1782-1838) professed "a pure belief in God,"[14] without accepting the creed of any particular religious doctrine or church. This did not, however, prevent him from going over from the Synagogue to the Protestant Church (*ca.* 1816). An advocate at the High Court of Appeals at Trier, he was granted the title of *Justizrat,* and was also for many years *bâtonnier du barreau.* He was opposed to despotism, and took part in the activities of the constitutional party at Trier.[15]

His ardent Prussian patriotism is perhaps best shown in his memorial on the "décrêt infâme"—*Einige Bemerkungen über das napoleonische Dekret vom* 17 *März* 1808 *bei Gelegenheit der glücklichen Vereinigung unseres Landes* [the Rhineland] *mit der königlich-preussischen Monarchie* (1815)[16]—a true eulogy of the King of Prussia. It was not published by the author, because von Sack, Governor-General of the Middle and Lower Rhine, to whom he sent it for ap-

[12] H. Stein, "Der Übertritt der Familie Heinrich Marx zum evangelischen Christentum," *Jahrbuch des kölnischen Geschichtsvereins,* XIV (1932), 128.

[13] Eleanor Marx, in *Neue Zeit,* XVI[1], 5.

[14] Heinrich Marx to Karl Marx (1835), MEGA I[2], 186.

[15] Auguste Cornu, *Karl Marx* (Paris, 1934), pp. 23-24.

[16] Discovered and published by Kober in *Jahrbuch des kölnischen Geschichtsvereins,* XIV (1932), 120-125.

proval, does not seem to have replied.[17] His patriotism is also evident in the advice he gave to his son to compose an ode on some glorious episode from Prussian history, such as the battle of Waterloo. The poem was to assign a rôle to the "genius of monarchy" and, in order to make Karl famous, it should be "patriotic, full of feeling, and worked out in a German spirit."[18]

It is unknown how Heschel Marx explained to his son why he had his family baptized. He is reported by one writer to have told Karl that he forsook Judaism and became Christian by inner conviction.[19] But this statement—as well as the assertion that Henriette Marx was "a Christian by conviction"[20]—is a product of pure imagination, and its author was unable to furnish the slightest evidence to prove his point of view. Neither is it known how the father discussed Jewish matters with his son. The subject seems to be taboo to Karl's biographers, and it is remarkable how stepmotherly they deal with the formative years of their hero in general. The few pages that they usually allocate to the first seventeen years of his life are all the more inadequate since even this short space is often devoted to an apology for Heschel's baptism rather than to the education of young Karl.

Typical of this procedure is the way in which Franz Mehring compresses in five pages—in a volume of some six hundred pages—the early years of Karl Marx (1818-1835). True, Mehring states that Heschel Marx's action requires neither justification nor excuse,[21] but in spite of this statement he does justify and excuse him. Nobody ever seemed to accuse Karl's father of apostasy; Mehring acts, however, as if Heschel Marx were placed in the dock. Karl's father, according to Mehring, did not abandon Judaism because of a new edict excluding the Jews from the practice of law, since such an edict was never promulgated, as Mehring maintains. Heschel Marx, he asserts further, was acting on his

[17] Kober, *ibid.*, p. 118.
[18] Heinrich Marx to Karl Marx (1837), MEGA I^2, 204.
[19] John Spargo, *Karl Marx* (New York, 1912), p. 23.
[20] *Ibid.*, p. 26.
[21] F. Mehring, *Karl Marx* (Leipzig, [1933]), p. 25.

own "free decision:" the Prussian State, whatever its sins, did not turn the Marx family into "a martyr of the Hebrew faith."[22] (Why Mehring uses the word "martyr" in connection with a man who believes neither in the church which he leaves nor in that which he joins—is not at all clear.)

In the period under discussion, and for many a decade to come, observes Mehring, renunciation of Judaism was not merely an act of religious self-liberation, but also, and even more, "an act of social emancipation." None other than Heinrich Heine—soon after cursing Eduard Gans for having abandoned Judaism—was "compelled" to change his religion, and to purchase thus an entrance ticket to European culture, as the poet called it. Going over to Christianity was then a progressive step taken by the freer spirits among the Jews, and Heschel Marx's conversion must be understood in this sense and no other. The rising wave of a violent anti-Semitism in the Rhineland—brought about by Jewish land-jobbing during the agricultural crisis of the eighteen-twenties—was not the cause of Heschel Marx's baptism; it only determined its date. A man of "unimpeachable honesty" like Heschel Marx, concludes Mehring, had neither the duty nor, having regard for his children, the right to bear any share of this hatred.[23]

Well-known facts show, however, that Mehring was wrong in his exposé and in his interpretation. There can be no doubt that after Frederick William III of Prussia took over the Rhineland (1815), the Rhenish Jews were prohibited from practicing law. An ordinance issued by von Schuckmann, Minister of the Interior, on May 4, 1816, was interpreted by the administration in such a way as to keep them from the Bar.[24] By order of the Minister of the Interior, May 7, 1822, they were explicitly prohibited from practicing law.[25] There is also evidence that Marx's baptism

[22] Mehring, in MN I, p. 4.

[23] All quotations in this paragraph are from Mehring, *Karl Marx*, pp. 25-26.

[24] J. Hansen, *(ed.)*, *Die Rheinprovinz*, II (Bonn, 1917), p. 240.

[25] Adolf Kober, *Cologne* (Philadelphia, 1940), p. 196; cf. also Kober, "Aus der Geschichte der Juden im Rheinland," *Rheinischer Verein für Denkmalpflege und Heimatschutz, Zeitschrift*, vol. XXIV, No. 1 (1931), pp. 80-81.

was not altogether "free," i.e., voluntary, as Mehring wants his readers to believe. In fact, there is the very important testimony of Eleanor Marx—deliberately ignored by Mehring—to the effect that her grandfather submitted to the ceremony of baptism, because "otherwise he would not have been permitted to practice as a lawyer."[26] This statement is corroborated by archival material found by Adolf Kober. Under French rule, Jews could enter the service of the State, and Marx succeeded in obtaining a minor position with the Government. But after the Prussians had occupied the Rhineland, the situation changed, and the Jews were compelled to leave the civil service. It is true that the chairman of the commission which carried out the introduction of Prussian law in the Rhine Province, Oberlandesgerichtspräsident Sethe of Düsseldorf, had an excellent opinion of Marx, and, on April 23, 1816, in a report to the Prussian Minister of Justice, Kircheisen, recommended that he be taken over into the Prussian service. But Kircheisen refused,[27] and, a short time thereafter—between April 23, 1816 and August 17, 1817[28]—Heschel Marx had himself baptized, and adopted the name of Heinrich. Incidentally, the agricultural crisis of the eighteen-twenties could not have determined even the date of Heschel Marx's baptism, since this—an obvious concession to the régime—took place not later than 1817, and not in 1824 as Mehring assumes.

Whether or not Heinrich Marx, the Prussian patriot, felt hurt in his moral dignity by this concession to his beloved country, is unknown. In any case, his conversion was facilitated by the fact that no strong ties bound him to Judaism or the Jewish people. In his aforementioned memorial he claims for them justice and equality, maintaining that contempt for a whole sect would be unjustified. Those who, like the Jews, after an age-long oppression did not completely degenerate, bear, to use his expression, the unmistakable stamp of noble humanity. He even asserts that, were he

[26] In Liebknecht, *Karl Marx* (Chicago, 1906), p. 165.

[27] Kober, in *Jahrbuch des kölnischen Geschichtsvereins,* XIV (1932), 116-117.

[28] Stein, in *Jahrbuch des kölnischen Geschichtsvereins,* XIV, 129.

more gifted, he would perhaps go so far as to write a treatise in favor of his co-religionists.[29] But in spite of all this, in reading the memorial, one feels that its author lacks any affection for or devotion to Judaism or the Jewish people. This inner indifference towards the Jews combined with the outside pressure of the Prussian Government and the risk of losing a more or less comfortable livelihood, explain sufficiently his conversion. It was in no way an isolated act; nearly four thousand conversions were registered among Prussian Jewry from 1812 to 1846. At least one other member of the Marx family followed the example of Heschel: his brother Paulus Marx, a watchmaker, who, with his family, had himself baptized in Aachen in 1831.[30]

How much was Karl Marx affected by the baptism of his family? His biographers have so utterly neglected to examine this question that we are left to conjecture. It is obvious, however, that there are no uniform rules of behavior for converts (or their progeny). While some of them, a very small minority, continue to respect Judaism, most of them indulge in an ostentatious Judeophobia. Karl Marx evidently falls within the second group. True, he did not choose to be converted, he was subjected to it. Yet, this involuntary baptism does not change the results of the conversion, because Karl was educated in a neophytic environment. Not having received any kind of Jewish education, he was more easily subjected to the influence of Christian society which, even if not outspokenly anti-Jewish in the Rhineland, was at least unsympathetically disposed toward the Jews. Baptism meant for his father and, indirectly, also for the son, greater financial security as well as an improved social status. Karl Marx denied categorically that his fiancée, Jenny von Westphalen, had—as Charles Longuet, his son-in-law, once asserted[31]—to overcome the racial prejudice of her

[29] Heinrich Marx, in *Jahrbuch des kölnischen Geschichtsvereins*, XIV, 120-125.

[30] A. Menes, in Yivo, *Historishe Shriften*, I (1929), pp. xxxi-xxxiii.

[31] In an anonymous obituary on Marx's wife, in *La Justice*, December 7, 1881.

family, before they consented to her marriage. There were no such *préjugés à vaincre,* according to Karl Marx.[32] However this may be, and even if Longuet's assertion is pure invention, it is evident that Karl Marx's marriage with Jenny von Westphalen was made less difficult because of his having abandoned Judaism. Furthermore, in an age in which converts were, more readily than later, accepted by Christian society, baptism offered many other advantages.

Growing up, Karl Marx could scarcely have escaped asking questions about his family's conversion. What he thought about the converts in his boyhood, is unknown. His first (and only) remark about them stems from October 1842. In a violently anti-Communist article that he then published, he refers contemptuously to an unnamed newspaperman as "a convert."[33] Naturally, on the basis of this casual and polemical remark, it is impossible to generalize and to find out what he thought about conversion when this problem obtruded upon his attention for the first time. It is, however, plausible that sooner or later young Karl might have turned for an explanation to his beloved father, who in order to justify his own act, very probably presented the Jewish people as not being worthy of any personal sacrifice. Under the circumstances in which Karl lived and was educated, he was prepared to accept such a point of view.

And since it was not worth while for him to be a Jew, Karl Marx tried to eradicate from his nature whatever he may have considered as the last vestiges of his own Jewishness: he endeavored to become a non-Jew. He also strove to convince others of his non-Jewishness. For this purpose, two different methods were used by him: 1. he spoke relatively little about Jews; 2. inasmuch as he dealt with them, his language was such as to give the impression that he was a non-Jew. As Otto Rühle rightly pointed out, the reader cannot escape the feeling that Marx by his way of speaking

[32] Marx to his daughter Jenny Longuet (December 7, 1881), in Marx-Engels, *Sochineniia,* vol. XXVII, p. 168.

[33] Marx, in *Neue Rheinische Zeitung,* October 16, 1842, MEGA I[1], 260.

about Jews "is declaring himself before all the world not to be a Jew."[34]

No one is proud to derive from an inferior people, and it is understandable that Marx—always conscious of his Jewish origin—tried to alleviate his burden by endeavoring to become non-Jewish. This endeavor—typical of his Jewish self-hatred—led him repeatedly to attacks on the Jews. His aggressiveness towards them was a means of convincing himself and the outside world how little Jewish he was, in spite of his rabbinical ancestors. He did not reveal how far he succeeded in persuading himself, but as far as others are concerned, he was not altogether successful: the Catholic party of the Rhineland[35] as well as Michael Bakunin and Eugen Dühring[36] publicly reproached him for his Jewishness. In more recent times references to his Jewish origin as a factor indispensable for the understanding of his character, are getting more and more frequent. That by sheer atavism, the offspring of generations of rabbis may have possessed some characteristics attributed to the Jews in general and to their theologians in particular, might be plausible. Those, however, who go further and posit that Marx is, unknowingly, a product of Judaism, a continuator of its prophetic traditions, "the Isaiah of the capitalist society,"[37] seem to transgress the limits of rigorous thinking. Their analysis, in so far as there is one, is neither comprehensive nor convincing.[38] Their main argument, that Marx is a kind of Jewish prophet

[34] Rühle, *Karl Marx* (New York, 1929), p. 377. It sounds like a parody when Marx (*Herr Vogt* [London, 1860], pp. 143-144) mocking at Joseph Moses Levy, the founder of the London *Daily Telegraph*, not only draws attention to his nose as typical of his "genealogical tree," but also explains how he regularly attacked Disraeli, in order to pass for a true member of the Anglo-Saxon race.

[35] Cf. J. Hansen, *Preussen und Rheinland* (Bonn, 1918), p. 83.

[36] Relevant passages from Bakunin's *Gosudarstvennost' i anarkhia* (1873) are reproduced—without comment—by Marx himself: *Letopisi marksizma*, II (1926), 89-90. Dühring, *Kritische Geschichte der Nationalökonomie und des Socialismus* (2d ed.; Berlin, 1875), pp. 573-575; (3d ed.; Leipzig, 1879), pp. 477-494. On Ruge, cf. *infra*, note 57.

[37] G. Ferrero, *L'Europa giovane* (1898), (n.p., [1946]), p. 360.

[38] G. Mayer, "Der Jude in K. Marx," *Neue jüdische Monatshefte*, II (1918), 329-330; N. A. Berdiaev, *Marksizm i religiia* (Paris, 1929), p. 30; on Marx's Jewish "néo-méssianisme," cf. Salluste, in *Revue de Paris*, XXXV (1928), pts. 3-4; cf. Liber's rejoinder, *ibid.*, pt. 4.

because of his fanaticism and onesidedness in his fight for what he considered to be social justice, is not conclusive. It is true that, in Marx's own words, "singleness of purpose" was his "chief characteristic."[39] But, fortunately or not, this characteristic is not an exclusive attribute of the Jews, though some, friends or foes, believe they excel in it. Prophets of any nationality must possess it, or else there would be no prophets at all. Were Fourier, Owen, or Lenin less imbued with it than Marx? To see in the latter a product of Judaism or to speak of "his inborn Jewish ethos,"[40] is one thing, to substantiate it by convincing evidence is another.

II

First Pronouncements on Jews

Marx had no expert knowledge of any Jewish problems, for the simple reason that he studied none of them. While at the Gymnasium at Trier, he did not take the course in Hebrew, attended as a rule only by prospective students of theology.[41] During his university years, he chose only one course connected with Jewish history, viz., that on Isaiah given by Bruno Bauer.[42] There is no evidence that he ever read even a single volume on the Jewish problem, with the exception of Bauer's writings on the subject. On very rare occasions, friends drew his attention to books connected with Jewish history. Thus Engels informed him in 1853 about Charles Forster's views on some aspects of the ancient history of the Arabs and the Jews.[43] An unnamed correspondent from Holland reported in 1864 on a treatise by Reinhard Dozy,[44] in which the Dutch orientalist attempted to prove that the Israelites—prior to Ezra—were an idolatrous people.

[39] Marx, "Confessions," in *Neue Zeit*, XXXI[1] (1912-13), 856.

[40] G. Mayer, in *Jewish Social Studies*, I (1939), 418.

[41] C. Grünberg, in *Archiv für die Geschichte des Sozialismus*, XI (1925), 426-427; MEGA I[2], 183.

[42] MEGA I[2], 248.

[43] Forster, *Historical Geography of Arabia* (London, 1844); cf. MEKOR I, 470, 475.

[44] *De Israeliten* . . . (Haarlem, 1864); cf. MEKOR III, 180-181.

A letter from Heinrich Graetz to Karl Marx—whom he met in Karlsbad in 1876[45]—shows rather well the latter's lack of interest in matters Jewish. Marx sent complimentary copies of *Das Kapital* and *The Civil War* to Graetz who wanted to reciprocate. He felt, however, uncertain about which of his works he should choose, because during their conversations he undoubtedly had noticed Marx's indifference to Jewish history. The most normal thing would have been to offer some of the volumes of the *Geschichte der Juden.* Yet, instead, Graetz wrote to Marx: "The content of my twelve-volume *History* lies far, far beyond your horizon."[46] At all events, the only work of his which he could think of as being likely to interest Marx, was "The Preacher Solomon," because the latter was a vigorous realist who, in the midst of a hypocritical world, had the courage to preach the rehabilitation *de la chaire.*[47]

Though some admirers contended that their master would never have spoken on a topic unless he had thoroughly studied it,[48] there can be no doubt that he dealt with the Jewish question without having any *specialized* knowledge of it. Yet there is no reason for assuming that he had no knowledge at all of Jewish history, or Jewish problems. Reading newspapers, periodicals, and a very great number of general historical works, must have acquainted Marx with at least some facts about the Jews. The sources of his information were not always unprejudiced. This is seen, for example, in his "Chronologische Auszüge;" there he paraphrases a long passage from F. C. Schlosser's *Weltgeschichte für das deutsche Volk,*[49] in which Casimir the Great is criticized for having invited the Jews to settle in Poland. Yet, however deficient his knowledge in the field may have been, it would be unwarranted to presume that Marx, an exceedingly well-read man,

[45] CHRONIK, 357.

[46] Graetz to Marx, February 1, 1877, in Yivo, *Historishe Shriften,* II (1937), 662.

[47] *Ibid.*

[48] Paul Lafargue, "Karl Marx," *Neue Zeit,* IX[1] (1890), 16.

[49] VIII (Frankfort on-the-Main, 1847), p. 93; Marx, in *Arkhiv Marksa i Engelsa,* V (1938), 348.

was completely uninformed about what was going on in the Jewish world.

Already in his youth, he showed some interest in the Jewish question. His biographers do not tell us how it happened that young Marx came to devote one of his early writings to this problem. It is none the less clear that his interest was caused through his journalistic activity. In 1842, he wrote frequently for the *Rheinische Zeitung*, an important progressive daily in Cologne. The newspaper, which counted eminent Jews among its shareholders and editors,[50] had to determine its attitude towards all political problems of the day, including the Jewish one, then currently discussed in the press. Thus it is understandable why the *Rheinische Zeitung* published many articles on the Jewish problem.[51] Marx, one of its leading spirits even before he became its chief editor, could not remain completely indifferent to the so much debated question. He was thus swept along by the current and expressed his desire to get acquainted with the problem. As a preparatory step, on August 25, 1842, he requested his friend Dagobert Oppenheim, manager of the *Rheinische Zeitung*, to mail to him all the articles against Judaism recently published by Karl Hermes in the rival organ, the reactionary *Kölnische Zeitung*. In the same letter he promised to send Oppenheim as soon as possible an article which "though it will not settle this question [i.e., the Jewish question], will lead it into another path."[52] Yet, during the following months, and especially after he took over the editorship of the *Rheinische Zeitung* (October 15, 1842), Marx seems to have been too busy to devote his attention to the problem. In fact, a good deal of his time was spent in fighting the Prussian censorship. Thus, in his numerous contributions to the newspaper, no reference is made to the Jews, unless one considers as such his quoting of the famous passage (*Merchant of Venice*, IV, 1) about a pound of flesh without one drop of Christian blood.[53] When the *Rheinische Zeitung* was sup-

[50] Kober, *Cologne*, pp. 203, 302; Mehring, *Karl Marx*, p. 59.
[51] Listed in J. Hansen (*ed.*), *Rheinische Briefe*, I (Essen, 1919), p. 357.
[52] MEGA I^2, 279.
[53] Marx, in *Rheinische Zeitung*, November 3, 1842, MEGA I^1, 298.

pressed by the authorities in March 1843, the article on the Jews had still not been written.

There is yet another project which must be reported. On March 13, 1843, while still in Cologne, Marx wrote a letter to Arnold Ruge, then one of his close friends. Its last paragraph is very significant. "The leader of the local Jews," says Marx, "has just come to ask me to write a petition for the Jews to the Landtag, and I am going to do it. Repugnant as the Israelite faith is to me, Bauer's view [that the Jews can be politically emancipated only after having become atheists] seems too abstract to me. As many holes as possible should be driven into the Christian State in order to smuggle in, as much as we can, the rational [point of view]. At any rate, one must try to do it—and the *embitterment* grows with every petition that is turned down with protest."[54] Marx was thus ready to support the political emancipation of the Jews, because he saw in it an excellent political manoeuvre against the clerical state. It may be added that Ruge, who wrote against the Jews in the *Hallische Jahrbücher*[55] and attacked them frequently in his correspondence,[56] must have been pleased by what Marx said about Judaism. It is also worth mentioning that, when a few months later the two friends parted, Ruge called Marx "an impudent Jew."[57]

It is not at all clear why the unnamed "leader" of the Cologne Jews should have asked Marx to draft a petition for them. Unfortunately, the historians of Jewish Cologne do not indicate who this leader was.[58] It is known, however, that the Jewish community there, in spite of its small population (less than one thousand people in 1843), had men able enough to prepare an entreaty. Two of them, the brothers Simon and Abraham Oppenheim, well-known bankers, had presented a personal petition to the King of Prussia, on January 5, 1841, concerning the legal status of the Jews in the

[54] MEGA I², 308.
[55] Vol. II (1839), 1596-1598.
[56] Ruge, *Briefwechsel*, I (Berlin, 1896), pp. 288, 333, 396; II, pp. 4, 221.
[57] *Ibid.*, I, p. 367 (Ruge to his mother, October 6, 1844).
[58] Kober, *Cologne;* E. Weyden, *Geschichte der Juden in Cöln* (Cologne, 1867); C. Brisch, *Geschichte der Juden in Cöln* (Mülheim, 1879-1882), 2 vols.

Rhenish provinces.[59] For the expert knowledge that they needed, they had turned not to a man who possessed neither knowledge of, nor love for, Judaism, but to the then already reputed champion of Jewish emancipation, Gabriel Riesser.[60] As a matter of fact Abraham Oppenheim continued for many years to strive for the emancipation of the Jews.[61] On whose initiative, then, was Marx asked to draft a petition for those whose faith was repugnant to him? The answer is, now at least, a matter of conjecture: the initiative came perhaps from his above-mentioned friend Dagobert Oppenheim, brother of the two bankers and manager of the *Rheinische Zeitung;* or from Moses Hess who, as early as 1841, saw in Marx, his friend and "idol," "the greatest, perhaps the *only* real philosopher now living";[62] or perhaps from somebody else who did not leave any trace in the records. If we are to believe Riazanov, "Marx's close relatives and the rest of the Jewish community turned to him and asked him to write a petition for them."[63] But neither in his popular book here quoted nor in his "historico-critical" *Gesamtausgabe* of Marx, does Riazanov reveal his sources of information. Furthermore, he does not indicate who these "close relatives" were; he is also implying—erroneously of course—that it was the Jewish community of Trier and not that of Cologne which turned to Marx for help. Yet, in his letter to Ruge, Marx speaks explicitly of the Jews of Cologne,[64] and mentions neither his "close relatives" nor any Jews from Trier. For all these reasons, Riazanov's assertion is at best a product of his wishful thinking; and it is, incidentally, not the only unwarranted statement he made about Marx.[65]

Be that as it may, Marx never wrote the petition, or, if he did, no trace of it was ever left or found. Whether he

[59] Partly reproduced by Rosenthal, in *Im deutschen Reich,* XX (1914), 97-102.

[60] M. Isler, *G. Riesser's Leben* (2d ed., Frankfort-on-the-Main, 1871) p. 130.

[61] Hansen, *Rheinische Briefe,* I, p. 527; Kober, *Cologne,* p. 207.

[62] Hess to Berthold Auerbach, MEGA I^2, 261.

[63] Riazanov, *Karl Marx and Friedrich Engels* (New York, [1927]), p. 34.

[64] I could not establish whether Marx had any relatives in Cologne, although I did find that a certain Raphael Marx was a teacher at the Jewish elementary school of that city (Weyden, *op. cit.,* p. 289; Brisch, *op. cit.,* II, pp. 155-158).

[65] Cf. *infra,* note 92.

did not draft it, because of other more urgent work, or simply because "the local Jews," after having recognized that his petition would do more harm than good, renounced the idea of making him their representative,—is not known at present, and not very likely to be found out in the near future. But in so far as Marx's fundamental ideas on the Jews are concerned, they are revealed in his famous essay "Zur Judenfrage," written in the fall of 1843, and published in February 1844 in the *Deutsch-Französische Jahrbücher.*

Before analyzing this essay, it is worth digressing here for a moment, to draw attention to the fact that, while Marx in his above-quoted letter to Ruge considers the Jewish faith as repugnant, he does not state the reason for this repugnance. A statement that all religion is repellent to him could be easily understood, because of his atheism. In fact, did he not announce, in 1844, that religion "is the opium of the people?"[66] In his letter to Ruge, however, he considers the Jewish faith—and not religion in general—as repellent to him. Why? Some may be inclined to believe that it was because he viewed the adherents of this faith as more commercialized than any other religious group. However, it should not be forgotten that, when he wrote to Ruge, he was neither a socialist nor a communist. On the contrary, he was then the chief editor of a respectable bourgeois newspaper, financially backed by many rich or well-to-do businessmen, such as the banker Abraham Oppenheim, to name just one shareholder.[67] Besides, Marx himself was very far from recommending a collectivist régime. One day after taking over the editorship of the *Rheinische Zeitung,* he unequivocally stated that his newspaper not only did not desire the practical realization of communist ideas, but that it even did not attribute to them any theoretical validity. A fundamental critique of communism, he said, was indispensable, and he announced that his newspaper would furnish it.[68] It is thus obvious that his disgust for Judaism had nothing to do with communist

[66] *Zur Kritik der Hegelschen Rechtsphilosophie,* MEGA I[1], 607.

[67] Hansen, *Rheinische Briefe,* I, pp. 436, 448.

[68] Marx, in *Rheinische Zeitung,* October 16, 1842, MEGA I[1], 263.

ideology. The Jewish faith was particularly distasteful to Marx, the atheist, because, by this time, he was already imbued with the prejudices acquired in his earlier years.

III

THE FRONTAL ATTACK: *Zur Judenfrage*

Karl Marx's contribution to the Jewish question is a review of two essays by the German philosopher Bruno Bauer, the leader of the "Young Hegelian" movement, both published in 1843. A detailed analysis of these articles is superfluous, since we are mainly interested in Marx and not in Bauer. Suffice it to say that in the first, "Die Judenfrage," Bauer affirms that political emancipation should not be granted to the Jews until they abandon their exclusive and separatist faith; that, if they had suffered in the past, it was because they had remained hostile to human progress and did not care to adjust themselves to the society amidst which they lived; that egoism and pride make them believe they are entitled to privileges; that, being themselves exclusive towards other peoples, they have no right to complain of Christian exclusiveness; that they are not and had never been a "real," but only a "chimerical people";[69] that, "like the gods of Epicurus who live in the Intermundia," the Jews nestle in the clefts and rifts of bourgeois society.[70]

In his second essay, "The Capacity of Modern Jews and Christians to Become Free,"[71] Bauer attempts to show how Jewish emancipation is connected with the emancipation of mankind in general. Both Christians and Jews are at present spiritual slaves: the former are baptised, the latter—circumcized, in order to renounce their human quality and act as

[redacted]

69 "Das jüdische Volk war das Volk, das eigentlich kein Volk war, das Volk der Chimäre, und nur darin noch inconsequent, dass es als wirkliches Volk existiren wollte"; Bauer, *Die Judenfrage* (Brunswick, 1843), p. 47.

70 "Wie die Götter Epikurs in den Zwischenräumen der Welt wohnen, . . . so haben sich die Juden . . . in den Ritzen und Spalten der bürgerlichen Gesellschaft eingenistet . . . "; *ibid.*, p. 9. Cf. *infra*, note 137.

71 In *Einundzwanzig Bogen aus der Schweiz*, I (1843), 56-71.

serfs of a strange, supra-natural being. Both must renounce religion, if they want to free themselves. There is, however, an important difference between them: Christianity represents the most perfect type of religion, while Judaism is a lower form of creed. Therefore, true emancipation is more difficult for the Jews than for the Christians. To become a free man, the Christian has only to renounce his Christianity, while the Jew has "to surrender himself completely" and sacrifice not only his religion but also "the chimerical privilege of his nationality."[72] In other words, the Jews are not to adopt Christianity, but to destroy their own religious and national identity.

Marx agrees with Bauer's characterization of the Jews, but does not share his conclusions. If one leaves aside extraneous material and dialectical ornaments, Marx's main criticism of Bauer can be summed up in a few words: the Jews are entitled to political equality, since political—in contradistinction to "human"—emancipation does not require the renouncement of religion in general or of any specific creed in particular. Bauer's main mistake consists in an uncritical confusion of "political emancipation" with "general human emancipation." Bauer asks the Jews whether, from their point of view, they have the right to crave for political emancipation. Marx inquires, on the contrary, whether from the standpoint of political emancipation one has the right to demand from the Jews the abolition of Judaism, or from men generally the abolition of religion. No! is Marx's answer. The complexion of the Jewish problem, he notes, changes according to the character of the state in which the Jew lives. Countries of completed political emancipation—i.e., those where state and church are separated—such as the United States, do not require citizens to renounce their religion. Religion, which continues to exist in those countries, is certainly a social "defect." The "religious handicap" of free citizens is, however, the result of their "secular handicap," and originates in the fact that their state is emancipated po-

[72] *Ibid.*, p. 71. On Bauer's anti-Semitism, see W. Eckhard, in *Weltkampf*, 1944, pp. 121-132.

litically but not humanly. Yet this defect is not a reason for refusing emancipation to the Jews.[73]

Political emancipation from religion—or the separation of church and state—is not a thorough-going emancipation from religion, because political emancipation is not in effect human emancipation. Nevertheless, political emancipation constitutes an important progress; it certainly does not represent the last form of human emancipation, but it is the last form of human emancipation within the existing social order. The emancipation of the state from religion is not the emancipation of the individual from religion. Therefore, the Jews have a perfect right to political emancipation without abandoning Judaism.[74]

It should not be forgotten that, according to Marx, Jews have already attained a remarkable degree of emancipation. "The Jew has freed himself in Jewish fashion, not only by appropriating to himself financial power, but by virtue of the fact that with and without his co-operation, *money* has become a world power, and the practical Jewish spirit has become the practical spirit of Christian nations. The Jews have liberated themselves in so far as Christians have become Jews."[75]

Historians before and after Marx had at least some difficulty in explaining the age-long existence of the Jews in spite of all persecutions to which they were exposed. Marx solves the problem with one stroke of his pen. "Judaism," he says, "has persisted *alongside* of Christianity not only as religious criticism of Christianity, not only as the embodiment of doubt as to the religious origin of Christianity, but equally because the practical-Jewish spirit, Judaism, has maintained itself, and even received its highest development, in Christian society. The Jew who exists as a particular member of bourgeois society, is only the particular expression of the Judaism of bourgeois society . . . Out of its own entrails bourgeois society continually creates Jews."[76] Or, to put it

[73] Marx, *Zur Judenfrage*, MEGA I[1], 580-581.
[74] *Ibid.*, pp. 582, 585, 591.
[75] *Ibid.*, p. 602.
[76] *Ibid.*, p. 603.

more dialectically: "Christianity sprang out of Judaism. It has again resolved itself into Judaism. The Christian from the outset was the theorizing Jew; the Jew is therefore the practical Christian, and the practical Christian has again become a Jew."[77]

Let us see now what is understood by the word "Jew." It is important to note, at the outset, that Marx consistently avoids the term "Jewish people," and speaks exclusively of the "Jews," for the simple reason that, like Bauer, he thinks of their nationality as merely imaginary. The Jew, therefore, is not a member of a real people, but of a fictitious one. "The *chimerical* nationality of the Jew is the nationality of the merchant, of the moneyed man generally."[78] No time or space limit for the validity of this conception is set by Marx. It seems to extend to all times and parts of the world. It even implies that all merchants or moneyed men are of Jewish nationality. Yet Marx is less inconsistent in practice than in theory. When speaking of Jews he does not really designate by this term merchants of all nationalities, but applies it either to people whose religion is Judaism or to unbelievers whose ancestors adhered to that faith. The metaphor ("the nationality of the merchant") is but an escape from his inability to explain what the Jews are.

Jewish religion does not explain "the real worldly Jew." It is not "the Sabbath Jew," but supposedly "the every-day Jew," whom Marx intends to consider. And, without examining whether dialectics admit a clear-cut distinction between the former and the latter, he adds: "Let us not look for the secret of the Jew in his religion, but let us look for the secret of religion in the real Jew."[79] Thus temporal Judaism is confronted with spiritual Judaism. The first is defined as shortly as apodictically, in three answers to the same number of questions:

"What is the secular foundation of Judaism? *Practical* needs, *egoism.*

[77] *Ibid.*, p. 605.
[78] *Ibid.*, p. 604.
[79] *Ibid.*, p. 601.

What is the secular cult of the Jew? *Huckstering.*
"What is his secular God? *Money.*"[80]

Spiritual Judaism is explained with almost the same conciseness by the expert dialectician.

"What was, in essence, the basis of the Jewish religion? Practical needs, egoism." "The God of *practical needs and egoism* is *money.* Money is the jealous God of Israel, before which no other god may exist." "The God of the Jews has secularized himself; he has become the universal God. The bill of exchange is the real God of the Jew. His God is only the illusory bill of exchange."[81]

Judaism has contempt for nature, theory, art, history, and man as an end in himself. It considers everything as an object of trade; it could not develop any further as a religion because the philosophy of egoism is limited and is exhausted in a few moves. It reaches its acme with the completion of bourgeois society.[82] Not only "Jewish Jesuitism,"[83] as exemplified in the Talmud, but Judaism as such is for Marx an expression of a self-alienated society, not yet emancipated humanly. Judaism is now a general "*anti-social* element, which has been carried to its present height — a height at which it must necessarily dissolve— by historical development, in which Jews have zealously co-operated in this bad relation."[84]

The Jewish problem can thus be solved only by doing away with the present social system or with what Marx calls "the Jewish limitations of society."[85] Once these "limitations" are removed, both the Jewish question and the social problem will be solved simultaneously. "Emancipation from *huckstering* and from *money,* and consequently from practical, real Judaism, would be the self-emancipation of our era."

[80] *Ibid.*

[81] *Ibid.*, p. 603. It is probably these and similar passages that Sombart (*Die Juden und das Wirtschaftsleben* [Leipzig, 1911], p. 469) has in mind when he designates Marx (*Zur Judenfrage*) as the third-best author, "who looked deeply and clearly into the Jewish psyche." For him the first two writers are Adolf Jellinek (*Der jüdische Stamm* [Vienna, 1869]) and Daniel Chwolson (*Die semitischen Völker* [Berlin, 1872]).

[82] Marx, *Zur Judenfrage,* MEGA I[1], 603-604.

[83] *Ibid.*, p. 604.

[84] *Ibid.*, p. 601.

[85] *Ibid.*, p. 606.

"An organization of society which would abolish the basis of huckstering and therefore the possibility of huckstering, would render the Jew impossible. His religious consciousness would dissolve like a dull mist in the real, vital air of society."[86] Marx omits to describe the society which will perform this task, but he assures the reader that "the *emancipation of the Jews* in its last significance is the emancipation of mankind from *Judaism*."[87]

Among the many repetitions to be found in the essay, there is one which deserves to be quoted, because it seems to convey the flavor of the whole work. It is the final passage of *Zur Judenfrage*:

"As soon as society succeeds in abolishing the *empirical* essence of Judaism, the huckster and its basis, the Jew, will become *impossible*, because his consciousness will no longer have a corresponding object, because the subjective basis of Judaism, namely practical needs, will have been humanized, because the conflict of the individual sensual existence with the generic existence of man will have been abolished.

"The *social* emancipation of the Jew is the *emancipation of society from Judaism*."[88]

This is the gospel, proclaimed more than a century ago, which ought to have led the Jewish question into a new path. This is the "fundamental inquiry" which, according to Mehring, does not need any comment, because any commentary would only weaken it. In his opinion the few pages of the inquiry are of greater value than the towering mass of literature on the Jewish question which appeared since then.[89] Yet, some qualified interpreters of the master, for example Karl Kautsky (*Rasse und Judentum*, 1914), while dealing with the Jewish problem, do not even mention *Zur Judenfrage*. This is due either to the vagueness or to the indemonstrability of Marx's ideas on the Jews.

What, in fact, are these ideas? Leaving aside some minor points, one can sum them up under three headings:

1. The Jews are the product of bourgeois society. If by "Jews" capitalists are meant, the statement has no bearing on the real Jewish question, because Marx did not prove that

[86] *Ibid.*, p. 601.
[87] *Ibid.*
[88] *Ibid.*, p. 606.
[89] Mehring, in MN I, 356.

the two terms are interchangeable. If by "Jews," the Jewish people is meant, the statement is the greatest fallacy ever made by Marx, since that people existed long before capitalism or even "money-economy" came into existence. Whatever interpretation is given to it, the statement that capitalist ("bourgeois") society is producing capitalists (="Jews"), is at best a meaningless tautology or, at worst, a positively erroneous and undialectical assertion. And yet it is Marx's only original contribution to the Jewish question, about which his father had once observed, not without some good reason: "It is extremely difficult to write on a matter about which for centuries so much has been written and said."[90]

2. Judaism —both temporal and spiritual— is an outgrowth of egoism. This oversimplification is not susceptible of a serious sociological analysis at all, because with such general slogans as "egoism" so much history of all peoples and times is easily explained, that, in fact, nothing is explained. (Incidentally, as will be seen later, the idea of Jewish egoism is borrowed by Marx from Ludwig Feuerbach.)

3. The Jewish problem will disappear in a "humanly" emancipated society. This statement is perfectly logical and consistent with the main assumption of all Utopianism. The millennial settlement will, by definition, solve all human problems including, of course, the Jewish one. The solution is all the easier as it involves a painless liquidation of the Jews: the "humanly" emancipated society will simply cease to create Jews out of its own entrails. Whether this society is likely to be realized in the near future or in a more distant one, is of minor importance, since the statement is posited in purely theoretical terms. Whether the Jews themselves are inclined to be satisfied with this solution—or rather shall we say: dissolution?—is of no importance at all: the verdict of history is unconditional and irrevocable.

Gustav Mayer thinks that Marx wrote his essay on the Jewish question solely for the purpose of proving, in this field as well as in others, the superiority of his new materialistic method to the idealistic one of Bauer and the Young Hegel-

[90] Heinrich Marx, *loc. cit.*, p. 120.

ians.[91] Mayer's point of view seems, however, to be an overstatement. It is obvious that Marx wanted to show his superiority, but this was not his only motive. He also felt a very strong urge to make a pronouncement on the problem itself, and to release part of his accumulated aversion toward the Jews. He could thus publicly dissociate himself from them.

Commenting on Marx's early relations with the Jews, Riazanov claims, without supporting evidence, that the master was "drawing a sharp line of demarcation between poor Jewry with which he felt a certain propinquity and the opulent representatives of financial Jewry."[92] There is, however, not a single document or pronouncement to substantiate Riazanov's statement. The latter—to say the least—is an attempt to remake history according to wishful thinking. There is not one sentence, either in Marx's essay or in his later writings, differentiating between exploiting and exploited Jews: all are mixed together in one parasitic and egoistic category. In the only instance in which, to our knowledge, Marx speaks of poor Jews, reference is made to those who went to Jerusalem to die and not to work;[93] hence they can hardly be counted to the mass of economically exploited Jews. The amalgamation of the Jewish upper and lower classes is, incidentally, one of Marx's inconsistencies, and an important symptom of his anti-Jewish prejudice.

Marx was very satisfied with his essay on the Jewish question. Communistic tendencies are already perceptible in it, although at the time of writing it he was not yet a completed historical materialist. But even when he formulated his materialism more definitely, he did not modify his concept of the Jews. Thus in *Die heilige Familie* (1845)—where the foundations of the "revolutionary-materialistic socialism" are already laid[94]—he expounds the same ideas about the Jews as in his essay. In fact, the sections of *Die heilige Familie* devoted to the Jewish question are but a short summary

[91] *Neue jüdische Monatshefte*, II (1918), 328.
[92] Riazanov, *Karl Marx and Friedrich Engels*, p. 35.
[93] See also *infra*, Section 6.
[94] Lenin, *On Engels* (New York) 1935, p. 11.

of the essay. Carrying on a new controversy with Bruno Bauer, Marx once more formulates the Jewish problem in essentially the same terms as he had done in *Zur Judenfrage,* though in order not to be too repetitious, he left out its famous anti-Jewish passages. For the first time, he explicitly affirms that he has "solved" the Jewish question.[95] Emancipation of the Jews, he asserts, is not their own special task, but that of "the present-day world, which right to its inmost heart is Jewish."[96] When, twenty-two years later, he found a copy of *Die heilige Familie* in the library of his friend Dr. Kugelmann, he wrote to Engels, the co-author: "I was pleasantly surprised to find that we need not be ashamed of this work, although the cult of Feuerbach produces a very humorous effect upon one now."[97] This, too, shows that he did not change his ideas on the Jews.

No one is more responsible for these ideas than Ludwig Feuerbach, whose fervent admirer Marx was in the middle eighteen-forties. In fact, while preparing *Zur Judenfrage,* he wrote—on October 30, 1843—a respectful letter to the German philosopher, inviting him to contribute an article to the *Deutsch-Französische Jahrbücher.*[98] The letter also shows that he had read the second edition of Feuerbach's *Das Wesen des Christentums* which appeared in 1843. Feuerbach's conception of Judaism is therefore particularly important. "*Utilism,*" he says in *Das Wesen des Christentums,* "is the essential idea of Judaism."[99] "The Jews have maintained their peculiarity to this day. Their principle, their God, is the *most practical* principle in the world,—namely, egoism, and moreover *egoism in the form of religion.*"[100] It does not fall within the scope of this study to analyze the foundation of these and still other generalizations of Feuerbach on which Marx draws abundantly, without quoting

[95] *Die heilige Familie,* MEGA III, 280.
[96] *Ibid.,* p. 284.
[97] MEKOR III, 383 (April 24, 1867).
[98] Reproduced in K. Grün, *Ludwig Feuerbach I,* (Leipzig, 1874). pp. 360-361.
[99] (2nd ed. [reprint]; Leipzig, 1848), ch. XII, p. 167: "*Der Utilismus* ist die wesentliche Anschauung des Judenthums."
[100] *Ibid.,* p. 169.

their author,[101] rightly assuming that *Das Wesen des Christentums* is too well known to be cited.

One can also distinctly discern in Marx's essay the influence of Bruno Bauer. Like him, Marx believes that the Jewish question is only part of "the great and general question" to be solved by our epoch.[102] Like him, he assumes that the Jews lack the aptitude for historical development.[103] Like him, he is convinced of their "egoistic stubbornness."[104] Like him—and this is perhaps Bauer's most interesting influence—he considers the Jews not as a people but as "a collection of atoms"[105] or "a sum of atomistic individuals,"[106] "a chimerical nationality"[107] or, finally, a "caste."[108]

Other specific literary influences, besides those of Ludwig Feuerbach and Bruno Bauer, are difficult, if not impossible, to determine, since a great variety of authors could have intensified Marx's prejudice against the Jews. Many representatives of German classical literature and philosophy were unfavorably inclined towards the Jews.[109] And since they were read extensively by Marx, it is evident that they could have contributed to his Judeophobia. However, it is interesting to note that his great teacher Hegel—who, incidentally, was fond of Jewish salons—[110] appears to have left no distinctive trace in Marx's specific ideas on the Jews. Marx would have probably agreed with Hegel that the Jewish people is "the most abject one."[111] But, on the other hand, Marx never spoke, as Hegel did, of the "world-historic significance and importance" of the Jewish people in the development of the human mind.[112] There exists, of course,

[101] *Ibid.*, pp. 170-177.
[102] Bruno Bauer, *Die Judenfrage* (Brunswick, 1843), p. 3.
[103] *Ibid.*, p. 11: "der Mangel an historischer Entwicklungsfähigkeit."
[104] *Ibid.*, p. 33.
[105] *Ibid.*, p. 82.
[106] *Ibid.*, p. 84.
[107] *Ibid.*
[108] *Ibid.*, p. 100: "Die Juden als solche sind eine Kaste."
[109] See Mehring, in MN I, 353.
[110] Cf. H. Glockner, *Hegel* I, (Stuttgart, 1929), p. 435.
[111] Hegel, *Phänomenologie des Geistes* (Stuttgart, 1927), p. 265.
[112] Hegel, *Vorlesungen über die Philosophie der Geschichte* (Stuttgart, 1928), p. 412.

a section in *Hegels theologische Jugendschriften*[113] parts of which would probably have pleased Marx: those, for example, on the extreme materialism of the Jewish people,[114] or on "the shabby, vile, and lousy state in which it finds itself still today."[115] But since the manuscript referred to (and which, incidentally, anti-Semitic propaganda did not fail to exploit[116]) was first published in 1907, it could not have affected Marx.

Finally, let it be recalled that no socialist anti-Semite seems to have exercised any visible influence on Marx. When he first read Fourier (by 1843 or, perhaps, later), he was already hostile to the Jews. It is, however, plausible that reading anti-Semitic utterances in socialist literature helped to keep alive his anti-Jewish feelings, which persisted up to his very death.

IV

Anonymous Articles Against "The Freemasonry of Jews"

Zur Judenfrage and *Die heilige Familie* are the only publications in which Marx deals deliberately and at some length with the Jewish question. It is touched upon only casually in his later writings; good examples are his articles in the *New York Tribune*[117] and the *Neue Oder-Zeitung*[118] where he makes a few brief remarks on the emancipation of the Jews in England, not in order to elucidate the problem as such, but rather to unmask the hypocrisy of Lord John Russell. Though, from 1845 on, his statements on the Jews are short and incidental, they are so numerous that their fragmentariness is at least partly counterbalanced by their abundance.

[113] (Tübingen, 1907), pp. 243-260, 368-374: "Der Geist des Judentums."
[114] *Ibid.*, p. 258.
[115] *Ibid.*, p. 256.
[116] Cf. Grunsky, in *Forschungen zur Judenfrage*, IV (1940), 68-94.
[117] June 12, 1854, p. 5 ("The State of Europe").
[118] August 15, 1855 (in Marx-Engels, *Sochineniia*, vol. X, p. 515).

Antipathy to the Jews is discernible even in those writings of Marx which have not the remotest connection with them. Thus, in his "Theses on Feuerbach" (1845), he says that the German philosopher did not grasp the significance of revolutionary activity, because practice is conceived by him "only in its dirty-Jewish manifestation."[119] This, by the way, is not the only instance in which he associates Jewishness and dirtiness. Paraphrasing a statement by Schlosser that, in Poland as once in Egypt, the Jews were increasing in great numbers, Marx wrote: "they multiplied like lice (Filzläuse)."[120]

The Jew is not only dirty in his body; his soul, too, is foul. That is why Marx compares the bourgeois to the Jew. The former has the same attitude towards the institutions of his own society (marriage, sanctity of private property, etc.) as the latter has towards the law: he evades them as often as possible, but wants them to be respected by everyone else. "It is the constant circumvention of law that makes the religious Jew a religious Jew."[121]

From 1848 on, Marx envisaged the Jews chiefly as a financial and reactionary group. Since their emancipation, he maintains, the Jews, at least their representatives of rank, have placed themselves everywhere at the head of the counter-revolution.[122] Pamphlets like *La dynastie Rothschild* and *Les Juifs, rois de l'époque* are quoted by him—apparently approvingly, or at least without repudiation—as stigmatizing more or less wittily the rule of the finance aristocracy.[123] Napoleon III's Secretary of Treasury is not simply designated by Marx as one of the notorious members of high

[119] MEGA V, 533.

[120] Marx and Schlosser as quoted *supra*, note 49. An article written by Marx or by Engels (cf. *Sochineniia*, VII, 355) calls the Polish Jews "that dirtiest of all races" (*Neue Rheinische Zeitung*, April 29, 1849, zweite Ausgabe, p. 1, col. 1: "die polnischen Juden . . . diese schmutzigste aller Rassen").

[121] Marx and Engels, *Die deutsche Ideologie*, MEGA V, 162. On the other hand, see an anonymous statement in the *Neue Rheinische Zeitung*, February 22, 1849 (p. 2, col. 2): "Die Juden sind bekanntlich überall die betrogenen Betrüger . . ."

[122] Marx, in *Neue Rheinische Zeitung*, November 17 and 29, 1848, MEGA VII, 439, 475.

[123] Marx, *Die Klassenkämpfe in Frankreich*, (Berlin, 1895), p. 23.

finance; he is purposefully called "the Bourse-Jew Fould,"[124] or "the Jew Fould."[125] Nor does Marx forget to point out to his readers that the founders of the Crédit Mobilier, Emile and Isaac Pereire, were "two Portuguese Jews."[126] Speaking of "the Paris Bourse-synagogue,"[127] he observes that one of its members, a certain L. Bamberger, "augmented the nine Greek muses with a tenth Hebraic muse, 'the Muse of the Age,' which is what he calls the list of quotations."[128]

While Marx systematically neglected to study the condition of the Jewish working masses, he showed a predilection for analyzing the wealth and power of the Jewish financiers. In the mid-fifties, during the Crimean War, he published at least three anonymous articles in the *New York Tribune* (November 9, 22, 1855; January 4, 1856) devoted to this subject.[129] Another one, on the power of the Rothschilds, appeared in the *Neue Oder-Zeitung* in August 1855.[130]

The first anonymous article, "The Standing of European Houses,"[131] underlines the importance, especially in war-time, of having a thorough understanding of the condition of the bankers "to whom we entrust our property." In this connection, it is recalled that there is no reason to believe in the stability of the leading financial house of the world, the Rothschilds. The gold reserve kept by them in "the Ghetto of Frankfort" amounts to very little. The rest of their fortune is invested in securities which are good in peace-time but not in war-time. Furthermore, it should be kept in mind that because of "the Jewish aversion to land," the Rothschilds, unlike some great Christian merchants, do not have landed estates to fall back on. Finally, it should not be forgotten that the genius of the old Rothschilds

[124] *Ibid.*, p. 33.

[125] Marx, *Der achtzehnte Brumaire* (Stuttgart, 1921), p. 48.

[126] [Marx,] "The French Crédit Mobilier," *New York Tribune*, June 24, 1856, p. 5. Authorship stated in Marx-Engels, *Sochineniia*, vol. XI, part 1, p. 19.

[127] Marx, *Herr Vogt*, p. 146: "Pariser Börsensynagoge."

[128] *Ibid.*

[129] Authorship stated in CHRONIK, 155-156.

[130] According to CHRONIK, 154. The article could not be located.

[131] *New York Tribune*, November 9, 1855, p. 4. All quotations in this paragraph are from this article.

(Meyer, Nathan, and Anselm) has disappeared. All the surviving brothers, except James in Paris, are "men without intellect and mere creatures in the hands of their pet brokers." Clustered around the Rothschilds are all the Jewish bankers of Amsterdam, Frankfort, Copenhagen, Berlin, Paris, Vienna, Hamburg, and London,—the houses of Bischoffsheim, Fould, Mendelssohn, Heine, Jacobson, Ries, Hambro, Hollander and Lehren. Needless to say, their position is at least as much endangered as that of the Rothschilds.

In another anonymous article, "The Loan-Mongers of Europe,"[132] Marx surveys once more the network of Jewish banks in the Old World. He illustrates their power by an example drawn from Austria, where the government was then raising money "by negotiating the mortgage bonds of the land-owners of the Austrian dominions." The operation could be carried out only through the Jewish banking-houses in Vienna (Rothschild, Arnstein, Eskeles, and the Greek-Jewish Seria) which,, excluded from the more honorable branches of business, have acquired in this kind of loan-raising an unenviable degree of aptitude. They start a loan by getting their correspondents to canvass their business constituencies and to ensnare their customers. Posted in every point of Europe are Jewish agents who represent this business and work for other leading Jews. In almost every European city there are to be found "a handful of Jews who deem it an honor to take a little of the new stock for speculation if the Rothschilds or any other of the great Jewish houses are connected with the negotiation. It is this business Freemasonry among the Jewish bankers which has brought the barter trade in government securities to its present height." From a knowledge of their financial position, Marx does not hesitate to predict a crash which, as a consequence of the present war, is sure to happen to "the representatives of this particular race." The reader will not fail to notice that the Jewish bankers are depicted here as if they represented a whole people.

[132] *New York Tribune*, November 22, 1855, p. 4. All quotations in this paragraph are from this article.

The issue of a new Russian loan affords Marx a third opportunity for describing to his American readers what he calls the system of loan-mongering. This third anonymous article, "The Russian Loan," sheds interesting light on his sociological concepts of the Jews.[133]

The new Russian loan of fifty million rubles, reports Marx, was issued under the auspices of the firm of Stieglitz in St. Petersburg. Stieglitz's relations with Tsar Alexander resemble those of Rothschild with Emperor Francis Joseph and those of Fould with Emperor Louis Napoleon. None of these emperors could exist without the financial support of their Jews; this explains why Stieglitz and Rothschild were made barons and Fould a cabinet minister in Paris. "Thus we find every tyrant backed by a Jew, as is every pope by a Jesuit. In truth, the cravings of oppressors would be hopeless, and the practicability of war out of the question, if there were not an army of Jesuits to smother thought and a handful of Jews to ransack pockets."

Stieglitz, "one of the freemasonry of Jews, which has existed in all ages," and the Dutch banker Hope of Amsterdam, were the principal negotiators of the Russian loan. But while the latter only lent the prestige of his name, the real work of placing the loan was done and could only be done by "the Jews," as they monopolize the machinery of the loan-mongering mysteries. Amsterdam is one of their most important European centers: the city harbors "many of the worst descendants of the Jews whom Ferdinand and Isabella drove out of Spain, and who, after lingering a while in Portugal, were driven thence also, and eventually found a safe place of retreat in Holland." Many of the 35,000 Jews of Amsterdam are engaged in the jobbing of securities. A multitude of their agents throughout Belgium, Holland, France, and Germany scrutinize the market. Wherever even a small amount of capital is courting investment, there is always "one of these little Jews," to sell a few bonds.

Marx shows extraordinary interest in the Jewish bank-

[133] *New York Tribune*, January 4, 1856. All quotations in the following seven paragraphs are from this article.

ers, their family background, education, and habits. He sets forth so many details of their life, that in order to convey the flavour of his anonymous articles to the reader, one has to report at least some of the minutiae he published in the *New York Tribune*. Hollander and Lehren, we are told by Marx, are of the Portuguese sect of the Jews, and demonstrate "a great ostensible devotion to the religion of their race." Lehren is a philanthropist, and like "the great London Jew," Sir Moses Montefiore, has made many sacrifices for those of his co-religionists who still linger in Jerusalem. His office in Amsterdam is one of the most picturesque in the world. Crowds of Jewish agents assemble there every day together with Jewish theologians and Armenian, Palestinian, Barbaresque, and Polish beggars, in their peculiar costumes. "The language spoken smells strongly of Babel, and the perfume which otherwise pervades the place is by no means of a choice kind."

Many more details about bankers are cited by Marx. The Königswarters and the Raphaels are considered as representatives of the lowest class of loan-mongering Jews. The Bischoffsheims are next to the Rothschilds the most influential firm in Belgium and Holland. The Belgian Bischoffsheim is said to be a man of great accomplishments and one of the most respected bank directors and railway magnates. The houses of the Mendelssohns, the Lessings and a few other Jewish families, owing to some peculiar literary traditions or other influences, are far superior in character to those of the general clique of loan-mongers.

Marx calls attention to the fact that almost all Jewish bankers and speculators are connected by family ties. The Sterns who, with the exception of Stern of Paris, are devoid of men of ability, have married the daughters of one of the rich London Goldsmids. One of the Paris Foulds married a Miss Oppenheim, whose brothers were important bankers in Cologne and the chief railway speculators in Rhenish Prussia. The Bischoffsheims had less luck: they married into the family of a Frankfort Jew, a certain Goldschmidt, having neither money nor genius though professing to have both.

The Jews, through their various branch houses, are finding a market for the Russian loans. And though these loans are a curse to the people, a ruin to the holders, and a danger to the governments, they are "a blessing to the houses of the children of Judah." The Tsar will get his fifty millions, and should he want more "the Jews will dig them up."

Yet one should not be too severe with the Jews. "The fact," Marx concludes, "that 1855 years ago Christ drove the Jewish money-changers out of the temple, and that the money-changers of our age enlisted on the side of tyranny happen again chiefly to be Jews, is perhaps no more than a historical coincidence. The loan-mongering Jews of Europe do only on a larger and more obnoxious scale what many others do on one smaller and less significant. But it is only because the Jews are so strong that it is timely and expedient to expose and stigmatize their organization."

It has been suggested by some commentators that the term "Jew" instead of standing for an ethnic, religious or cultural group, represents for Marx merely an economic symbol. This is only partly true. It is correct that, when Marx speaks of "Jews," he often means wealthy businessmen or speculators, but only those of Jewish origin. Thus, the term "Jew" is not synonymous with "capitalist" in general; it is applied solely to "exploiters" who happen to be Jewish. In other words, Jews as such are identified with the Jewish bourgeoisie, the whole Jewish people—with one single class. Marx strongly objected when others used improper synonyms, and he persisted in uncovering their "tricks."[134] One may wonder, however, whether his own phraseology is free from similar ambiguities. In any case, his equivocal use of the word "Jew" is the more striking as he employed a very rich economic vocabulary, including such terms as "stock-exchange gambling," "bancocracy," "bancocrats," "financiers," "rentiers," "brokers," "stock-jobbers," "bourse-wolves," etc.[135]

[134] *Die deutsche Ideologie*, MEGA V, 255.

[135] *Das Kapital* (Hamburg, 1922; 3 vols. in 4), vol. I, ch. XXIV, 6, pp. 720-721.

V

The Jews as Reflected in *Das Kapital*

As has been seen, Marx speaks of the necessity of stigmatizing "the Jews" because of their economic power. Curiously enough, in spite of their alleged strength, they are not presented in his *magnum opus* as a particularly important element of contemporary society. Nor are they shown to be of any essential significance in the genesis of capitalism. Their relative unimportance is displayed by the simple fact that *Das Kapital* includes but very few remarks on them. Marx would certainly have paid greater attention to them, had he really been convinced that they constituted a powerful economic group. If he refrained from doing so in the first volume of *Das Kapital*, it is certainly not for lack of space. For "I am stretching this volume out," he wrote to Engels, "since the German dogs reckon the value of books according to their cubic content." [136] He avoided dealing more extensively with the Jews either because the whole matter seemed unimportant to him, or because he was unable to substantiate what had been said about them in his anonymous articles. Yet the few casual remarks he made indicate his predilection for ridiculing or hitting the Jews whenever the slightest opportunity offered itself.

Speaking of trading nations, he says that in the ancient world they existed only in its interstices,[137] "like the gods of Epicurus in the Intermundia, or like Jews in the pores of Polish society."[138] Studying the transformation of money into capital, he remarks: "The capitalist knows that all commodities, however scurvy they may look, or however badly they may smell, are in faith and in truth money, in-

[136] MEKOR III, 77 (June 18, 1862). Cf. also MEKOR I, 287-288.

[137] *Das Kapital*, vol. I, ch. I, 4, p. 46; also in vol. III,[1], ch. XX, p. 314. Marx could have referred the reader to Bruno Bauer who, after having dealt with Polish Jews, made a similar statement in his book reviewed by Marx; cf. *supra*, note 70.

[138] In the first draft, Marx used a slightly different formula: " . . . wie die Juden in den Poren der mittelaltrigen Gesellschaft." Marx, *Grundrisse der Kritik der politischen Ökonomie (Rohentwurf)*; 1857-1858 (Moscow, 1939), p. 387; cf. also pp. 28, 134, 165.

wardly circumcized Jews, and what is more, wonderful means of making from money more money."[139] Another allusion to the old Jewish custom is made, when Marx explains that nature furnishes to the laborer his first implements (wood, stones, etc.); thus nature itself becomes "one of the organs of his activity, one that he annexes to his own bodily organs, adding stature to himself in spite of the Bible."[140] To illustrate still another economic phenomenon, Marx uses a meaningful comparison: "The sum of the values in circulation can clearly not be augmented by any change in their distribution, any more than the quantity of the precious metals in a country by a Jew's selling a Queen-Anne farthing for a guinea."[141]

On the other hand, Marx refrains from referring explicitly to the Jews when, in the only instance to our knowledge, he comments upon a favorable aspect of their ancient history. There is a footnote in *Das Kapital* in which he recalls a humanitarian rule set by Moses: "Thou shalt not muzzle the ox when he treadeth out the corn" (Deut. 25,4). This he opposes to the cruelty of the Christian philanthropists of Germany, who fastened a wooden board round the necks of the serfs when using them as motive power for grinding, in order to prevent them from putting flour into their mouths with their hands.[142] Yet in Marx's context the biblical rule seems to relate to the Egyptians rather than to the Hebrews: the latter are not mentioned at all, and their legislator is described as "Moses of Egypt."[143]

This is all that Marx has to say about the Jews in the first volume of *Das Kapital.* Nothing is added in the two remaining ones (edited by Engels), except two quotations from little-known writers, representing the Jews, it goes without saying, as addicted to money-lending. The first one reads as follows: "Jews, Lombards, usurers and bloodsuckers were our first bankers, our original bank-sharks, their char-

139 *Das Kapital,* vol. I, ch. IV, 1. p. 117.
140 *Ibid.,* ch. V, 1, pp. 141-142.
141 *Ibid.,* ch. IV, 2, p. 126.
142 *Ibid.,* ch. XIII, 1, p. 338.
143 *Ibid.*

acter being such as to be called almost infamous . . ."[144] The second states that the Jews were barred from engaging in certain kinds of usury, the practice of which the Church reserved for herself.[145]

Let us note finally that Marx's second-largest economic work also contains only a casual remark about "the old-fashioned" usurers like the Goldsmiths in England, the Jews and the Lombards.[146] Marx likes to quote the latter two as occupying the position of trader-nations among the agricultural peoples of the Middle Ages.[147]

VI

Exception to the Rule: A Friendly Comment on the Jews in Jerusalem

In the whole work of Marx, there is, to our knowledge, only one passage in which he speaks of a group of Jews without any derision, and even with a certain friendliness. In an article, "The State of Europe," published in the *New York Tribune,* on April 15, 1854, Marx also touches upon the situation in the Holy Land. In this connection, he recalls that the population of Jerusalem amounts to some 15,500 souls, including 8,000 Jews and 4,000 Moslems (Turks, Arabs, and Moors). Though the Moslems form only about one fourth of the population, they are of course the masters in every respect.

"Nothing," continues Marx, "equals the misery and sufferings of the Jews at Jerusalem, inhabiting the most filthy quarter of the town, called *Hareth-el-Yahoud,* in the quarter of dirt, between the Zion and the Moriah, where their synagogues are situated,—the constant objects of Mussulman oppression and intolerance, insulted by the Greeks, persecuted by the Latins, and living only upon the scanty alms, transmitted

[144] J. Hardcastle, *Banks and Bankers* (2d ed.; London, 1843), pp. 19-20, quoted in Marx, *Das Kapital,* vol. III[2], ch. XXXVI, p. 151.

[145] J. G. Büsch, *Theoretisch-praktische Darstellung der Handlung,* etc. II, (3d ed.; Hamburg, 1808), p. 55, quoted in Marx, *ibid.,* p. 152.

[146] *Theorien über den Mehrwert,* III (Stuttgart, 1910), p. 542.

[147] "Einleitung zu einer Kritik der politischen Ökonomie [1857]," *Neue Zeit* XXI[1] (1902-1903), 778.

by their European brethren. The Jews, however, are not natives, but from different and distant countries, and are only attracted to Jerusalem by the desire of inhabiting the Valley of Jehosaphat, and of dying in the very places where the redemptor is to be expected. 'Attending [*sic.*] their death,' says a French author, 'they suffer and pray. Their regards turned to that mountain of Moriah, where once rose the temple of Lebanon, and which they dare not approach, they shed tears on the misfortune of Zion, and their dispersion over the world.' To make these Jews more miserable, England and Prussia appointed, in 1840, an Anglican bishop at Jerusalem, whose avowed object is their conversion. He was dreadfully thrashed in 1845, and sneered at alike by Jews, Christians and Turks. He may, in fact, be stated to have been the first and only cause of a union between all the religions at Jerusalem."

This is the only text where Marx shows any sympathy for a group of Jews. None the less, no deeper significance can be attributed to it, since all later statements demonstrate that he did not change in the least his attitude towards the children of Israel.

It is worth while noting that, though Marx expressed some compassion for pious Jews who went to die in their ancestors' land, he never pronounced his opinion about the possibility of the restoration of their old homeland. Expressions such as "the New Jerusalem"[148] or "the promised land"[149] found in his writings, have no connection with Jewish aspirations, and are used only to mock conservative socialists like Proudhon or Louis Blanc. It is clear why he never commented on these aspirations. At the very beginning of his career he described the Jews as a "chimerical nation." Later on, in 1848, he casually designated them as a religious "sect."[150] Still later, in 1852, he signed an article written actually by Engels, in which the latter, while dealing with western Slavic countries (Poland, Bohemia), incidentally observed that the Jews, "if they belong to any nationality, are in these countries certainly rather Germans than Slavonians."[151] It is obvious, then, that he could attach no impor-

[148] *Manifest der Kommunistischen Partei*, MEGA VI, 552.

[149] *Klassenkämpfe in Frankreich*, p. 27.

[150] *Neue Rheinische Zeitung*, November 17, 1848, MEGA VII, 439.

[151] Marx, "Germany. VIII. Revolution and Counter-Revolution," *New York Tribune*, March 5, 1852, p. 7.

tance whatsoever to dreams aiming at the political restoration of a group whose very nationality was even unknown.

No record is left showing whether Marx was acquainted with pre-Zionist ideas. Yet he read and wrote so extensively about the Oriental question, that an unawareness of these ideas would seem rather unlikely. It is particularly improbable that he missed reading *Rom und Jerusalem* (1862), the author of which, Moses Hess, played a not unimportant role in the socialist movement, and who had moreover, some twenty years earlier, convinced both Engels and Marx of the importance of communism, and of the necessity of studying it thoroughly.[152] Yet it is evident that Marx could have had only contempt for the Zionist ideas of Hess. This is understandable if one takes into account Marx's ideas on nationality in general, and on small nations in particular. Insistence on nationality, say Marx and Engels, is still to be found only among the bourgeois or bourgeois writers only.[153] Small nations retard industrialization, and have therefore no right to independent statehood. Moreover, too often they indulge in reactionary policy, as do the Czechs (a "dying" nation[154]), the Rumanians, the Serbs, and other "counter-revolutionary" nations.[155] Naturally, even if Marx had considered the Jews as a real (and not a "chimerical") nation, he would have none the less condemned any endeavor on their part to achieve political independence.

Aversion to Jews was not his only phobia: he also absorbed a good deal of anti-Slavic prejudice. "I do not trust any Russian," he once wrote to Engels.[156] His antipathy went so far that he closed the first edition of his *magnum opus* with a violent attack—eliminated from later editions—on "the half-Russian and full-Muscovite [Alexander]

[152] G. Mayer, *F. Engels*, I (The Hague, 1934), p. 112; cf. also pp. 102-105, 115.

[153] *Die deutsche Ideologie*, MEGA V, 454.

[154] Marx, "Germany. VIII. Revolution. . .," *New York Tribune*, March 5, 1852, p. 7.

[155] Engels, in *Neue Rheinische Zeitung*, January 13, 1849 (MN III, 236); see also Engels, "Der demokratische Panslavismus," *Neue Rheinische Zeitung*, February 1849, MN III 246-264.

[156] Marx to Engels, January 13, 1869, MEKOR IV, 147.

Herzen."[157] Yet, in spite of all his other phobias, none was more pronounced than that against the Jews. And though occasionally other peoples too, like the Chinese or the "Yankees" are called "swindlers,"[158] there can be little doubt that, as far as cheating is concerned, he gives top rank to the Jews. His persistent hatred for them is nowhere seen better than in his letters to Friedrich Engels, his most intimate friend.

VII

Private Utterances

In his correspondence with Engels, Marx used a variety of expressions to designate Jews. In some instances the proper names are simply preceded or followed by the word "Jew,"[159] "English Jew,"[159a] "French Jew,"[160] etc. In others, "Jüdchen" or "Jüdche" (a little Jew) are added to the names of such different men as Louis Bamberger,[161], a banker, Leo Fränkel,[162] a revolutionary, and Eduard Bernstein, the later revisionist.[163] In still other cases, "der Jud" (Yid),[164] "der verfluchte Jude" (the damned Jew),[165] or "Jud Süss"[166] fulfil the same function. Sometimes, a more subtle way of identifying Jews is used: imitating their peculiar pronunciation.[167] Some of Marx's friends must have known

157 *Das Kapital* (Hamburg, 1867), p. 763.

158 *Die deutsche Ideologie*, MEGA V, 146; cf. also p. 347. Marx also left a hitherto unpublished manuscript entitled, "Preussen (Die Kanaillen)"; cf. Marx-Engels-Lenin Institute, *Marx and Engels on Reactionary Prussianism* (Moscow, 1943), p. 4.

159 MEKOR I, 178; II, 67, 169; III, 20. Henceforth, all quotations from MEKOR, unless otherwise indicated, refer to letters written by Marx to Engels.

159a MEKOR II, 469 (1860).

160 Marx to Hermann Jung (1871), Marx-Engels, *Sochineniia*, XXVI, 141. "The jackass [Max] Nordau" is a "German-Hungarian Jew;" MEKOR IV, 507.

161 MEKOR I, 444 (1853).

162 MEKOR IV, 302, 338 (1870).

163 Marx to Sorge (1879), *Sochineniia*, XXVII, 63,64 ("evreichik").

164 MEKOR III, 232 (February 10, 1865).

165 MEKOR II, 393 (May 25, 1859).

166 MEKOR III, 175 (June 3, 1864).

167 E.g., "kai Gemiet" [kein Gemüt], "Bausheit" [Bosheit], "Fraindin" [Freundin], "Mause" [Muse]: MEKOR II, 124 (April 10, 1856). The Jewish origin of H. B. Oppenheim is alluded to by calling him "Isidor Berlinerblau"; Marx, *Herr Vogt*, p. 146.

that he liked this kind of imitation, otherwise Bernays would hardly have sent him an amusing letter making fun of the way "a very mean Jew and banker or vice versa" mispronounced both German and French.[168] Jewish names, it should be added, are not ridiculed by Marx, but he calls attention to the fact that German Jews (like some Russian monks, incidentally) have a great "passion for sweet-smelling [family] names."[169] All those designated by Marx as Jews are in fact Jewish; none the less, he seems to be pleased when a German periodical reports that a rival publication is edited by "eight natural and two artificial Jews."[170]

A very rich vocabulary is displayed by Marx in his comments on Ferdinand Lassalle. Such epithets as "the dog"[171] or "the beast,"[172] are beside the point, since they are not anti-Jewish. Others are outspokenly so: "Jüdchen,"[173] "Jüdel,"[174] "Jüdel Braun,"[175] "Ephraim Gescheit,"[176] "Itzig,"[177] "Iitzig,"[178] "Baron Itzig,"[179] "the Jewish baron or the baronized . . . Jew,"[180] and "the most un-Greek of all Upper Silesian Jews."[181] When prose was found not expressive enough, he had recourse to poetry. Thus to deride Lassalle's association with two German radicals, Marx composed this little jingle:

"O Itzig, o Itzig, was hast Du gedenkt,
"Dass Du Dich an den Herwegh und den Moses H[ess] gehenkt!"[182]

168 L.F.C. Bernays to Marx (November 2, 1846), MEKOR I, 56.
169 MEKOR IV, 334 (July 5, 1870).
170 MEKOR II, 506 (September 15, 1860).
171 MEKOR II, 392.
172 MEKOR III, 82.
173 MEKOR II, 393 (May 25, 1859). Frau Marx, too, called Lassalle "das Berliner Jüdchen"; *ibid.*, p. 314.
174 MEKOR II, 366 (February 25, 1859).
175 MEKOR II, 366, 368.
176 MEKOR II, 324, 334, 369 (1858-1859).
177 MEKOR II, 469; III, 49, 83, 90, 98, 116, 142, 145, 153, 175, 220 (1860-65).
178 MEKOR II, 494 (June 26, 1860).
179 MEKOR III, 213 (December 10, 1864).
180 MEKOR III, 82 (July 30, 1862).
181 "[der] ungriechischste aller wasserpolackischen Juden," MEKOR II, 469 (Febr. 9, 1860).
182 MEKOR III, 153 (August 15, 1863).

Marx's repertory is not exhausted by these epithets. It still includes a variety of other meaningful expressions. After having insinuated that Lassalle's *Heraclitus* may well "smell of garlic,"[183] Marx alludes to its "talmudic wisdom."[184] He also designates Lassalle as "the Jewish nigger,"[185] about whom he tells a very witty story. Lassalle's head and hair, says Marx, perfectly indicate that "he is descended from the Negroes who joined Moses on the exodus from Egypt (unless his mother or grandmother on the father's side were crossed with a nigger). This union of Jew and German on a Negro base must create a singular product. The importunity of the fellow is also nigger-like."[186] Incidentally, he also proceeds, as his whole people does, from the unclean. "Lepsius," writes Marx, "proved in his great work on Egypt that the Exodus is nothing but the story told by Manetho about the expulsion from Egypt of 'the people of *lepers*' headed by an Egyptian priest named Moses. Lazarus, the leper, is thus the protoype of the Jew and of Lazarus-Lassalle."[187] There is neither need nor space to discuss whether Richard Lepsius's interpretation,[188] challenged from its inception by some scholars,[189] is based on anything but later interpolations into the text of Manetho;[190] or whether the story supposedly told by the latter amounts to more than "a romance."[191] It is enough to point out the ease with which Marx, usually a very critical reader, seems to have accepted Lepsius's point of view.

Deeper significance of all the slurs thus far quoted should not be denied just on the grounds that they were inspired by personal envy more than by racial prejudice. How-

[183] MEKOR II, 259 (December 22, 1857).
[184] MEKOR II, 368 (February 25, 1859).
[185] "der jüdische Nigger:" MEKOR III, 82 (July 30, 1862).
[186] Same letter, MEKOR III, 84; "nigger-like" for "niggerhaft."
[187] MEKOR III, 19-20 (May 10, 1861).
[188] Lepsius, *Letters from Egypt* . . . (London, 1853), p. 415.
[189] Cf. J. G. Müller, *Des Flavius Josephus Schrift gegen den Apion* (Basel, 1877), p. 215.
[190] Cf. I. Heinemann, in Pauly-Wissowa, *Real-Encyklopädie*, Supplementband V, p. 27.
[191] G. Maspero, *Histoire . . . de l'Orient classique*, II (Paris, 1897), pp. 449-450. Cf. also Th. Reinach (*ed.*), *Flavius Josèphe contre Apion* (Paris, 1930), pp 46, 48.

ever important the differences of opinion between Marx and Lassalle may have been, they do not entirely explain the hostility of the former towards the latter. Lassalle's "great friendship"[192] for Marx was not reciprocated, and the services he rendered Marx did not improve their relations.[193] There can be little doubt that Marx was jealous of the other's unprecedented success and found his rapidly increasing popularity unbearable. Thus hostility was inevitable. Yet hostility can take different forms, not necessarily that of anti-Semitism, so that Marx's choice of the latter type of invective is not at all a pure accident. Obviously, what is true of his slurs also holds for his jokes: with due regard for their humorous content, they, too, are one of the manifold forms in which his anti-Jewish feelings were manifested. How could one interpret otherwise his referring to Ramsgate in August as full of "Jews and fleas?"[194]

VIII

Beginnings of Jewish Socialism

Marx did not change his attitude towards the Jews even in view of additional facts that he must have learned about them in the last ten years of his life. During those years, he was keenly interested in Russia, studying her language, social organization and economic institutions.[195] He read so extensively about that country, that he could hardly have failed to enrich his knowledge of the social stratification of the Jews in Eastern Europe. Furthermore, since he was a resident of London, it would have been an extraordinary coincidence if he had not heard anything about the Jewish workers of the East End of that city. Moreover, as a well-informed internationalist, he could scarcely have overlooked articles on the Jewish proletariat and the beginnings of the Jewish labor movement in the socialist press.

[192] MEKOR III, 18 (May 7, 1861).
[193] MEKOR II, 68, 306; III, 16, 33; MN IV, 321; CHRONIK 76, 179, 205.
[194] MEKOR IV, 490 (August 25, 1879).
[195] Cf. CHRONIK 354, 356.

It is well known that he was a reader of *Vpered,* edited in the years 1875 and 1876 in London by his friend Peter Lavrov, a famous Russian philosopher and revolutionary, who, incidentally, happened also to be interested in the Jewish socialist movement.[196] Since Lavrov's organ reported not only on Russian but also on Jewish socialism, it is of importance to recall that "an almost complete file of *Vpered*" was found in Marx's private library.[197] One of the issues of *Vpered* contains an article explicitly postulating the diametrical opposition of the Jewish workers to the Jewish bourgeoisie. Its anonymous author, Aaron Liberman, points out that socialism is not alien to the Jewish people. He even asserts that "the great prophets of our times," Marx and Lassalle were brought up in "the spirit of our [Jewish] nation."[198] In another article, Liberman, "the father of Jewish socialism," expresses his views on the revolutionary propaganda among the Jews in Russia.[199]

It cannot be ascertained whether Marx saw these articles, because he does not refer to the issues which contain them. There is, however, at least one issue of the *Vpered* to which he does refer, namely No. 37 of July 15 (July 3, old style), 1876. In a letter to Engels, Marx speaks of a "disgustingly flattering article on Bakunin's funeral," published in the above-mentioned issue.[200] He indignantly informs his friend that the article calls Bakunin—who died in Bern, Switzerland, on July 1, 1876—"a giant" of the revolution. We may note in passing that the letter was not written on June 26, 1876, as the editor of the Marx-Engels *Historisch-kritische Gesamtausgabe* indicates, because even a genuine giant of the revolution cannot refer to an unpublished obituary of a still living man. Very probably it was written in the second half of July 1876. However this may be, the

[196] Cf. B. Sapir, in *International Review for Social History,* III (1938), 42-43, 45; A. Tscher, in Yivo, *Historishe Shriften,* III (1939), 767-779.

[197] *Arkhiv Marksa i Engelsa,* IV (1929), 420. (The missing issues are not listed.)

[198] "Iz Vilno," *Vpered; dvukhnedielnoe obozrienie,* I (1875), 505.

[199] "Iz Bielostoka," *Ibid.,* II (1876), 83-84. For authorship of anonymous articles quoted from *Vpered,* cf. Sapir, *loc. cit.,* pp. 34, 41.

[200] MEKOR IV, 439.

letter draws Engels' attention to a forthcoming article in the same periodical on the unification projects of the two rival internationals. Marx shows such an interest in the matter that very probably he also consulted the following issue of *Vpered.*

Let us now look more closely at the two issues. Number 37 printed an anonymous article by V. N. Smirnov on "The Foundation of a Social-Revolutionary Association of the Jewish Workers in London," in which he points out the existence of a Jewish working class. He also reproduces—*in extenso*—a resolution voted at the constituent meeting of the Association, on May 20, 1876. The resolution states that the Jews are an integral part of mankind, and can be liberated only through the liberation of humanity; that the human race can be delivered from misery and slavery only by the workers themselves, if they unite in one alliance aiming at a revolutionary destruction of the present order which is based on exploitation, and replace it by a reign of labor, justice, freedom and fraternity; that the workers of Europe and America have already united in various countries to achieve this aim; that the alliance of workers is preparing a revolution in order to establish the reign of Labor Socialism;—and that in order to join this noble alliance, "we the children of the Jewish nation," decided to found the Jewish Socialist Association.

Number 38 of August 1 (July 20, old style), 1876, contains an appeal "To the Jewish Intellectual Youth," signed by "Jewish Social Revolutionaries." Its author, Aaron Liberman, once more makes in very dramatic words a clear distinction between the few exploiters and the many exploited among the Jews.

Let it be recalled that *Vpered* was not the only periodical discussing the revolutionary movement among the Jews. A German socialist review also dealt with the subject: the *Jahrbuch für Sozialwissenschaft und Sozialpolitik* published, in 1881, an extremely interesting study on the propagation of socialist ideas by the Hebrew press of Eastern Europe.[201]

[201] Vol. II (1881), 356-365 (article of Erz).

Marx knew the *Jahrbuch,*[202] and it is not unlikely that he came across the study just mentioned. To sum up, it may reasonably be assumed that Marx was aware of a nascent Jewish labor movement. Curiously enough, a few years after his death, his youngest daughter, Eleanor, took part in it.[203]

IX

Marx's Persistent Anti-Semitism and its Influence

Already half a century ago, Thomas G. Masaryk drew attention to what he plainly called "the anti-Semitism of Marx."[204] More sympathetic commentators preferred not to use such a blunt term, and spoke of "an anti-Jewish prejudice" of the master.[205] Still others, *without adducing evidence,* however, assert that "one cannot say that Marx was an anti-Semite,"[206] "that nothing is more erroneous"[207] than to consider him as such, because he treated the Jewish problem "entirely without any prejudice,"[208] and that after all he did not really have "such a bad opinion" of the Jews, as his harsh attacks would suggest.[209] Finally, there are those for whom the whole problem seemingly does not exist, and who pass over it in complete silence, even in monographs on the Jewish question.[210] It would obviously be futile to ar-

[202] MEKOR IV, 496, 566; Engels to Marx *ibid.*, 488, 495, 568 (1879-82).

[203] Cf. P. Vinogradskaya, *Jenny Marx* (Moscow, 1933) [in Russian], p. 126.

[204] Masaryk, *Die philosophischen und sociologischen Grundlagen des Marxismus* (Vienna, 1899), p. 454. From a quite different point of view, S. N. Bulgakov (*Dva grada,* I [Moscow, 1911] p. 96) noted that Marx fell not only into "practical but even religious anti-Semitism." In a private letter written in 1936, Chaim Zhitlovsky, too, calls him an anti-Semite (*Oif'n Shvel,* No. 3, April-May, 1944, p. 11: "*er* [Marx, is] *take nebech geven an antisemit, loit zein stimung.*").

[205] M. Beer, *The Life and Teaching of Karl Marx* (London, 1925), p. 32.

[206] A. G. Duker, in his Introduction to Ber Borochov, *Nationalism and the Class Struggle* (New York, 1937), p. 19.

[207] Otto Heller, *Untergang des Judentums* (Vienna, [1931]), p. 16. Cf. also an anonymous reviewer in *Unter dem Banner des Marxismus,* III (1929), 173.

[208] Karl Vorländer, *Karl Marx* (Leipzig, 1929), p. 87.

[209] Zivyon, *loc. cit.,* p. 157.

[210] A. Léon, *Conception matérialiste de la question juive* (Paris, 1946). Léon is the pen name of a young Jewish ex-Zionist who became a Trotskyist leader and was murdered in Auschwitz. It is to be regretted that his posthumous study was not edited more carefully.

gue with those whose wishful thinking is stronger than verifiable facts. If the pronouncements of Marx are not chosen at random, but are examined as a whole, and if, on the other hand, by anti-Semitism aversion to the Jews is meant, Marx not only can but *must* be regarded as an outspoken anti-Semite.

Berneri, in a little-known essay, considers Marx as an anti-Semite, not because of what he said about the Jews, but because of what he did *not* say or do in their favor.[211] It is difficult to agree with the first part of the proposition, since most of what Marx wrote on the subject is distinctly anti-Semitic. The second part, however, is correct in so far as Marx's refraining attitude is a symptom of his anti-Semitism. Is it not surprising, indeed, that a man who more than once expressed his sympathy for the oppressed peoples, never deemed it necessary to do so on behalf of the Jews? This conspiracy of silence could be interpreted as indifference, if, on the other hand, there were not abundant evidence of his anti-Jewish feeling. This was so strong that he remained unmoved even in the face of persecutions well known to him. Thus, he felt pity for the Rumanian people, oppressed by the Russians and the "Moldavian-Valachian rabble of boyars,"[212] but when Engels wrote to him once (in a joking tone, of course) that an unsolicited visitor had complained of anti-Jewish persecutions in Moldavia,[213] he did not seem to react at all. What is more significant, he remained silent, when from April to June, 1881, a series of pogroms broke out in Russia. It is simply impossible to guess on what basis the Marx-Engels-Lenin Institute feels authorized to state, without giving any evidence at all, that Marx "denounced anti-Semitism in the strongest terms." [214]

Marx's occasional abusive language referring to the Jews, is less significant than his basic hostility towards them. Marx was, as is well known, a sick man, plagued by a hepatic disease which did not fail to mark his character: it made

[211] Berneri, *loc. cit.*, pp. 62.
[212] Marx, *Herr Vogt*, p. 91.
[213] Engels to Marx, MEKOR IV, 52 (May 6, 1868).
[214] *Marx and Engels on Reactionary Prussianism.* (Moscow, 1943), p. 41.

him hyperactive, irritable, and distrustful, as bilious people usually are.[215] He was a sharp-tongued man, so that some allowance for his temperament or character ought to be made, if one does not want to exaggerate the significance of his utterances. Yet it would be unjustified to attribute all his invective against the Jews to his choleric nature. Besides, he was anti-Semitic long before his liver ailment, which started to trouble him by 1849,[216] could have had any notable influence on his language.

His aversion to the Jews was deeply rooted in his heart and mind, and lasted up to his very end. Thus in 1873, he included in the third edition of *Das Kapital* (vol. I),—the last one published during his lifetime,—the same hostile remarks about the Jews which are contained in the first one. Hardly two years before his death, in the very year of violent pogroms in Russia (1881), the organ of German Social-Democracy, *Der Sozialdemokrat,* reprinted the famous anti-Jewish passages of *Zur Judenfrage,*[217] certainly not against the will of its author. It was none the less suggested, though not proved, by Simon Dubnow that Marx in his later years got rid of the abusive use of dialectics and of his metaphysical Judeophobia. Yet, says Dubnow, he never conceived the idea of publicly abjuring his youthful sin.[218] But why should Marx have retracted one single word of *Zur Judenfrage,* since he never changed his opinion on the Jews? True, *de omnibus dubitandum* was his favorite maxim,[219] but, to the best of our knowledge, it never occured to him that one might entertain any doubts about the mean character of the Jewish "sect."

Basically the same contempt for the Jews, though couched in a different language, is to be found in the writings of Karl Kautsky, Victor Adler, Franz Mehring, Otto

[215] Dr. Felix Regnault, "Les maladies de Karl Marx," *Revue anthropologique,* XLIII (1933), 317.

[216] *Ibid.,* p. 293.

[217] June 30 and July 7, 1881; so did also the social-democratic *Berliner Volksblatt,* October 10-19, 1890; cf. MEGA, 1^2, 341.

[218] Dubnow, *Weltgeschichte des jüdischen Volkes,* IX, (Berlin, 1929), pp. 132-133.

[219] Marx, "Confessions," *loc. cit.,* p. 857.

Bauer, and others. Their cumulative impact, added to that of the master, must have been a considerable one. Yet to measure the influence of Marx purely in terms of literary ascendancy over other writers would be highly inadequate. Hundreds of thousands, if not millions, of his adepts read *Zur Judenfrage* with the same zeal and ardor as they read the *Communist Manifesto.* Those who accepted his views were much more numerous than those who ventured to formulate objections or qualifications. Thus, willingly or not, Karl Marx contributed powerfully to provoke or to strengthen anti-Jewish prejudice among his Christian followers, and to estrange from their own people a good number of his Jewish admirers. He thus unquestionably holds one of the key positions in what may, or rather must, be designated by a new but appropriate term as *the anti-Semitic tradition of modern Socialism.*

THE JEWS OF GERMANY AS A NATIONAL MINORITY

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I*

EMANCIPATION AND THE MINORITY QUESTION

MODERN nationalism has grown out of two different roots. One can be traced to the ideas of enlightenment and the French Revolution. It resulted in the conception of the national state. In a state there must only be one nation, and therefore ethnic minorities must assimilate themselves. The second root of nationalism originates from the ideas of Herder, and was further developed by Romanticism. According to Herder, "the disorderly amalgamation of human races ("Menschengattungen") and nations" is detrimental. Assimilation of national minorities must consequently be disapproved.

The first point of view prevailed in the regulation of the status of the German Jews from their emancipation up to 1933. The Jews of Germany obtained legal equality under the direct influence of the emancipation in France, to the principles of which Clérmont-Tonnèrre gave, in 1789, the formulation that subsequently has become classical: "Everything must be denied to the Jews as a nation, everything must be granted them as individuals."[1] In conformity with this doctrine emancipatory legislation in the individual Ger-

* This article is based on an earlier study published by the author in *Judaica: Beiträge zum Verständnis des jüdischen Schicksals in Vergangenheit and Gegenwart,* III (Zürich, 1947), pp. 1-24.

[1] "Il faut tout refuser aux juifs, comme nation, il faut tout leur accorder comme individus" (A. E. Halphen, *Recueil des lois, décrets . . . concernant les Israélites* [Paris, 1851], p. 185).

man states granted the Jews full or partial equality. As an equivalent it demanded assimilation. What assimilation should consist of was stated in detail. The Jews were required to renounce the autonomy of their communities, to give up their Jewish names, to abstain from the use of the Yiddish language, to adopt the Christian calendar, and the like. As a whole, emancipatory legislation was extremely complex and often contradictory.[2] Its purpose, however, was alike everywhere. The "Jewish nation" was to change into an "Israelite religious community." The individual Jew had to become "a German of the Jewish faith." A Jewish national minority was not to exist in Germany.

It is, however, often overlooked that the idea of assimilation did not prevail undisputedly. Simultaneously, there was developing another theory, proceeding from opposite tendencies, and—in accordance with Herder's ideas—turning away from "amalgamation." If Fichte, for example, disapproved of "the interfusion with and corruption by some foreign element not forming part of the whole," he thereby rejected the ideology of assimilation in the same way as did the romantic conception of a nation indulging in dreams of "a silently operating national genius" ("Volksgeist"). Other ideas pointed in the same direction, the idea of the incorrigible wickedness of the Jew, of an unalterable Jewish "national character," etc. They, too, were contradictory to the idea of assimilation. All that, as a matter of course, could not fail to influence the German emancipation legislators. To quote from the abundant material a single utterance actually anticipating in its sharply pointed formulation even the modern deportations and the principle of territorial autonomy: "The best thing to do," wrote the Prussian Minister of Finance in 1816, "would be to assemble the Jews now dispersed in our country, in a . . . part of it, where they could live according to their own manners and customs under their own laws and authority and freely ex-

[2] For details and sources, see K. Stillschweig, "Jewish Assimilation as an Object of Legislation," *Historia Judaica*, VIII (1946), pp. 1 ff.

pend all their energy in all walks of civic life . . ."[3] This aim was, of course, utopian, in the then actual state of affairs. Nevertheless, the statement of the Minister shows clearly that a treatment of the German Jews as a national minority was in no way outside the range of political ideas.

It is, therefore, more than merely an accidental coincidence of terminology that from 1800 to 1848 the German Jews in legal documents were frequently described as a nationality, i.e., a national group. After the enactment of the Prussian emancipation decree there arose for instance the question whether any objections should be raised against the conversion of a Christian to Judaism. If the Jews had only been regarded as a religious community, there would have been hardly a legal doubt as to the admissability of such a change of religion. A Prussian ministerial decree of 1814, however, declared that *apostasia religionis* was certainly no longer punishable, but the difference of religion had nevertheless an influence on the civic rights. ". . . The Jews form a separate *people.* If a Christian becomes a Jew, he loses *ipso jure* the general . . . citizen rights. . . ."[4] Perhaps even more distinctly the same opinion was expressed in 1818, when the Ministry emphasized that the Jews were "not accepted as a religious denomination . . . but as fragments of a dissolved nation."[5] Similarly the Prussian Minister for Home Affairs stated in the forties that Judaism was based on both "a national and a religious element." Hitherto these two constituents "have always been presupposed by legislation."[6] A corresponding standpoint was taken by the Minister of Public Worship and Education on the question whether uncircumcised Jews had to be regarded as Jews. From the Government's point of view, the Minister said, circumcision is not an essential condition for being acknowledged as a Jew.

3 Ismar Freund, *Die Emanzipation der Juden in Preussen,* I (Berlin, 1912), p. 480.

4 Printed in *Doves Zeitschrift für Kirchenrecht,* I (Berlin, 1861), p. 411.

5 *Jahrbuch des protestantischen Kirchen- und Schulwesens von und für Schlesien,* I (Breslau, 1818), p. 482.

6 Quoted from J. Meisl, *Monatsschrift für Geschichte und Wissenschaft des Judentums,* LXIX (1925), pp. 44 ff.

Decisive is "origin and nationality as a positive, contrast to Christianity as a negative criterion. . . . Uncircumcised Jews will always remain Jews according to their nationality . . ."[7] And in a memorandum drawn up by the Prussian Government in 1847 one reads: "If the idea of a 'people' or a 'nation' comprehends a racial group, distinct from other nations by frontiers, legislation, language, and religion, this notion cannot be applied to the Jews. Nevertheless, the Jews have preserved to a certain degree the characteristic features of a nationality, which has an important influence on their position within the state. In the first place there is a difference of religion . . . but, besides, there is a difference of race which, in conjunction with their religion, has preserved to the Jews throughout their manifold vicissitudes the characteristic features that render them distinguishable among the different nations."[8] Accordingly even political science accepted that the Prussian legislation considered the Jews as a "foreign nation."[9]

The examples from Prussia could easily be multiplied, and examples from other German states added. But the foregoing enumeration should suffice to show that according to a widely spread legal conception the German Jews were regarded as a national minority until the middle of the last century.[10]

Consequently it would have been logical to concede to the Jews as a national minority the collective right of de-

[7] Meisl, *loc. cit.*, p. 46.

[8] "Wenn der Begriff eines 'Volkes' oder einer 'Nation' eine gemeinsame durch äussere Begrenzung, Gesetzgebung, Sprache und Religion von anderen Völkerschaften geschiedene Stammesgenossenschaft umfasst, kann solcher auf die Juden keine Anwendung finden. Allein dennoch bleibt den Juden eine in gewissem Masse bewahrte Nationalität eigentümlich, welche auf ihre Stellung im Staate von Bedeutung ist. Zuförderst besteht eine Religionsverschiedenheit . . . , ausserdem aber eine Stammesverschiedenheit, welche in Verbindung mit ihrer Religion, den Juden unter den mannigfachen Schicksalen die Eigentümlichkeit erhalten hat, wodurch sie inmitten der verschiedenen Völker . . . erkennbar sind" (*Vollständige Verhandlungen des 1. Vereinigten Preussischen Landtags über die Emanzipationsfrage der Juden* [Berlin, 1847], p. XVII).

[9] Cf. H. Fürstenau, *Das Grundrecht der Religionsfreiheit* (Leipzig, 1891), p. 164.

[10] Cf. also *Vollständige Verhandlungen*, p. 22.

veloping a national life of their own. However, the legislators shrunk from drawing this conclusion. It is true that in the forties a paper connected with the Prussian Government declared it to be in the Jews' own interest "if one tried to preserve their national character in the future, too. The state, therefore, ought not to do anything to further their amalgamation with the other inhabitants."[11] In conformity with this, the Prussian Government introduced in 1847 in the first federated diet a bill aiming at the "preservation of the Jewish nationality."[12] The draft contained clauses concerning the establishment of Jewish self-governing bodies ("Judenschaften") to be represented in the municipalities, of Jewish schools, and of similar institutions. But the dominant assimilationist ideology caused this plan of a national autonomy to be frustrated. The assimilationist ideology displayed its full power in 1848 in the debates of the Frankfurt National Assembly about the Constitution. The Constitution (§ 188) guaranteed "national development . . . to the not German-speaking nationalities" ("Volksstämme"). Through an amendment it would have been easy to make similar concessions to the German-speaking "Israelite Volksstamm." It did not come to such a regulation, however. The National Assembly was able to conceive legal equality for the Jews only as a religious community, not as a "Volksstamm."[13] In the following decades the question of the Jews being a nationality was less and less frequently brought up. As far as the anti-Semitic movement described the Jews as a separate group it did so to deprive them of their civil rights, but not in order to grant them the legal status of a national minority. "On German territory," Treitschke wrote in 1879, "there is no room for a double nationality . . ., if

[11] Quoted from Gabriel Riesser, *Gesammelte Schriften*, III (Frankfurt-Leipzig, 1867), p. 446.

[12] Printed in *Vollständige Verhandlungen.*

[13] The Austrian Constitution of 1867, too, granted certain national rights to "allen Volksstämmen" of the Hapsburg Monarchy. But according to Austrian law, the Jews were not regarded as "Volksstamm" (for details and sources, see K. Stillschweig, *MGWJ.*, LXXXI (1937), pp. 323 ff).

Judaism claims . . . acknowledgment of its nationality, the legal basis of emancipation will give way."[14]

II

The Jewish Outlook

The German Jews were reasoning in a similar way. They were willing to pay the price of assimilation for their emancipation. The idea of claiming legal equality and, besides, demanding the right to develop a national life of their own, was at first incomprehensible to them. In 1807, a "Great Sanhedrin" had been held in Paris. Delegates of the French Jews had assured Napoleon that the Jewry of France "no longer forms a national body."[15] This declaration became the rule of Jewish thinking in western and central Europe. Across the Rhine it was repeated by the most representative political spokesman of the German Jews. "The nationality of the Jews," Gabriel Riesser declared, "is only living in memory . . . in reality it has been dead for the past two thousand years."[16] With indignation he declined the above mentioned tendencies towards "preserving Jewish nationality,"[17] and in the Frankfurt National Assembly he declared, the German Jews were no "Volksstamm," but a "class that does not want a nationality imposed upon it by its enemies."[18]

Innumerable others felt and spoke in the same way. Hundreds of thousands have professed this conviction in their actions. In 1893, the "Centralverein deutscher Staatsbürger jüdischen Glaubens," the most representative organization of the German Jews, came into being. One of the

[14] H. von Treitschke, *Ein Wort über unser Judenthum* (2nd ed.; Berlin, 1880), p. 15.

[15] Halphen, *op. cit.*, p. 21.

[16] Riesser, *op. cit.*, p. 366 f.

[17] "Es kostet Mühe, zu glauben, dass das ernst gemeint, mehr noch, dass es ernst bedacht ist" (*op. cit.*, p. 448; cf. also S. Dubnow, *Weltgeschichte des jüdischen Volkes*, IX [Berlin, 1928], p. 50 ff.).

[18] *op. cit.*, IV (Frankfurt-Leipzig, 1868), pp. 403 ff.

principal aims of this association was "to confirm the members in unswerving loyalty to Germany" ("unbeirrbare Pflege deutscher Gesinnung").[19] The status of a Jewish-national minority was strictly negated by the association.

This undivided front of German Jewry was gradually broken by Zionism. To be sure, at the first Zionist congresses the Palestine ideal only was the subject of discussions. But the idea of a Zionist "Gegenwartsarbeit" in the diaspora, of a national Jewish "Landespolitik" made itself heard, at first sporadically and hardly perceptibly, then more and more distinctly and impressively.[20] About 1905 the Zionists finally passed over to a national-Jewish "Landespolitik." Their "present-day-work," however, was limited to Austria and Russia. There the Jewish masses had preserved their ethnic characteristics, there they were living among a great many other national groups, and there it was obvious for these reasons that they made national demands like the Czechs, Poles, Ukrainians, etc.[21] In Germany, however, a national state with a largely assimilated Jewish population, the sociological and political conditions were entirely different. Up to World War I, Zionism, therefore, barely caused ideological discussions within the German Jewry. These discussions had a more or less academic character. A *political* claim of the Jews to be acknowledged as a national minority could not develop out of them.

Such a claim evolved from other trains of thought. The outbreak of the First World War resulted in an intensification of nationalist feeling everywhere which, in turn, conditioned political ideology. The Central Powers and the Allies proclaimed the right of national self-determination as their superior war-aim.

This right comprised two points: the first was that each nation should be free to decide its political destiny in accord-

19 §1 of the Charter of the Association.

20 Cf. *Stenographisches Protokoll der Verhandlungen des 5. Zionisten-Kongresses* (1901), p. 176.

21 For sources and details, see O. Janowsky, *The Jews and Minority Rights* (New York, 1933), pp. 65 ff.; K. Stillschweig, *Historia Judaica*, VI (1944), pp. 27 ff.

ance with its own will. Since, however, a number of national groups was spread across political frontiers, political and ethnic boundary lines could not always be made to coincide. Therefore, and this is the second basic idea in the principle of self-determination, all national minorities should be permitted to develop their own national life.

This second idea of the right of self-determination gave an extremely powerful impetus to the Zionist "Landespolitik" in eastern and central Europe. It had effect in Germany, too. At the party conference of the Zionist Union for Germany ("Zionistische Vereinigung für Deutschland"), in 1919, the statement was made that henceforth the German Jews "had to become conscious of their Jewish nationality."[22] Hitherto the national idea had only served to substantiate Zionism ideologically. "From now on, we claim in its name Jewish life in Germany." The conception of the nineteenth century, that assimilation had to be the price for legal equality, must disappear. "We do not enjoy equality before we are allowed—as a Jewish nationhood ("jüdische Volksgemeinschaft")—to arrange our Jewish life according to our wishes and, simultaneously, to have our full share in German public life." The question "whether we are a nation or some other community, e.g., a racial group, is a theoretical one" and "no concern of the state's." As far as the state is concerned it is only necessary to acknowledge the Jews in their ethnic individuality. For this purpose the first requirements are Jewish schools; the Israelite religious congregations ("Kultusgemeinden") must be changed into "Jewish-national communities" ("Volksgemeinden"); and "Jewish life in Germany . . . must be transformed in a national-Jewish spirit."

Similar claims were brought before Parliament, too. In 1919, the Weimar National Assembly discussed the draft of a Constitution which, corresponding with that of 1848, promised the "foreign-speaking sections of the population" certain national rights. Since this formulation was not ap-

[22] For sources for the following presentation, see *Jüdische Rundschau*, 1933, pp. 16 ff.

plicable to the Jews of Germany, the deputy Oscar Cohn proposed to replace it by the term "national minorities." With explicit reference to the "national-minded part of the Jewish population," he declared: "Groups such as the German-speaking Jews had a claim to . . . be aided in their endeavors for a national culture of their own, although they do not differ from the German nation in language."[23]

In Gabriel Riesser's spirit, however, two Jewish deputies, Hugo Preuss and a socialist Katzenstein, opposed this motion. It was Katzenstein who said ironically that Zionists should speak Hebrew; until they did, they could not make pretentions to the rights of a national minority. Outside the National Assembly the "Centralverein" published a declaration saying that "we are Germans of Jewish faith, Germanhood to us means nation and people, Judaism faith and origin, but our religious and racial distinction does not separate us 'völkisch' from the German nation, we are not Jewish-national but a Jewish religious community, and no Jewish nation, least of all so in Germany. . . ."[24] Not merely the "German citizens of Jewish faith" opposed the view held by Oscar Cohn, however. Some Zionists too, were of the opinion that "national rights could not be forced on German Jewry, that for outer and inner reasons did not demand them . . . National autonomy would accord the small number of national Jews fictitious rights only . . . Neither would it result in a development of Jewish culture in Germany, because German Jewry in its present condition is unable to bring forth an original Jewish culture."[25]

There was thus no unanimity among the Jews of Germany about their minority status. The motion of deputy Cohn was, therefore, rejected by the National Assembly. Nor did Zionists succeed in convoking a Jewish congress as planned.

[23] *Verhandlungen der verfassunggebenden deutschen Nationalversammlung*, CCCXXVIII, pp. 1572 ff.

[24] *Im deutschen Reich, Zeitschrift des Centralvereins deutscher Staatsbürger jüdischen Glaubens*, XXV (1919), p. 188.

[25] *Jüdisches Echo*, 1919 no. 49 (quoted from *Im Deutschen Reich*, XXVI [1920], p. 58).

The position of the German Jews under the law concerning ethnic nationality ("Nationalitätenrecht") established in the Weimar constitution was summarized by a German professor of constitutional law as follows: "No national minority is formed by the German Jews in the Reich," since one has to distinguish between three Jewish groups: converted Jews; "Jews adhering to their own religion but feeling themselves as members of the German people;" and those "openly professing their Jewish nationality."[26] Only regarding this third group, could recognition as a national minority be taken into consideration. "Since the Jews of Germany, however, could not agree about their own sociological structure, it would be practically impossible" to acknowledge them as a national minority.[27]

III

The Development Under Nazism

After the "seizure of power" by the Nazis, the controversy within German Jewry continued. Spokesmen of the "Centralverein" declared, they did not want for their part to do anything that might "promote the political and national segregation from the German nation."[28] It would be impossible "to eliminate the German experience from the intellectual and emotional substance of the German Jews."[29] Zionists, on the other hand, emphasized that it no longer depended on the Jews "whether or not they wanted to regard themselves as a national group of their own; they *have* already been segregated from the German nation"[30] and "as a result of the measures taken by the Government . . . within Germany have become a group under

[26] H. Gerber, *Minderheitenrecht im Deutschen Reich* (Berlin, 1929), p. 53.

[27] As to the special conditions in the former Prussian Province of Posen, see Max Kollenscher, *Jüdisches aus der deutsch-polnischen Übergangszeit, Posen* 1918-1920 (Berlin, 1925).

[28] B. Weil, *Der Weg der deutschen Juden* (Berlin, 1934), pp. 226 f.

[29] *C. V. Zeitung* of May 3, 1934.

[30] *Jüdische Rundschau* of May 12, 1933.

exceptional rules which must consequently be described as a minority."[31] With this last thesis, the Zionists had raised a question no longer regarding the problem of a Jewish ethnic-national life, but leading into the sphere of the Law of Nations.

According to the traditional conception of international law it is up to every state to determine in which manner it will treat its own subjects. A great many exceptions to this principle, however, have been made in the course of time. Above all, the states of eastern and south-eastern Europe had been obligated by minorities treaties to grant their racial, religious and linguistic minorities a certain minimum of rights after the end of World War I. The League of Nations was to take action if this minimum should be infringed upon.

In 1919 the Allied Powers, however, regarded the minority question as a problem of purely local character ("d'un caractère purement local") that had to be solved in eastern Europe only. No minority obligations were, therefore, imposed upon Germany. The Paris Peace Conference supposed that in respect to Germany after the cession to Poland of the areas with Polish population, "no local circumstances were of such a nature as to make it probable that safeguards of this kind were requisite."[32] How, then, was the legal position of the German Jews in 1933? Was Germany entitled on the strength of her sovereignty to deal with the Jews at her discretion? Or did there exist—apart from the minorities treaties—international rules restricting German sovereignty with respect to minorities? And if so, did the Jews of Germany form a minority in the meaning of these principles?

There were, in fact, international principles which had, however, but a limited scope. In the first place, the view had developed in international law that there existed certain unwritten "principes généraux," according to which even states not bound by special conventions had to treat their minorities with a certain minimum of humanity. It was

31 *Jüdische Rundschau* of June 13, 1933.

32 H. W. V. Temperley, *A History of the Peace Conference of Paris*, V (London, 1921), p. 142.

doubtful, to be sure, whether or not these "principes généraux" could be regarded as rules of law *stricto sensu*.[33] In the second place, the League of Nations had acknowledged the "principes généraux" by passing the following resolution on September 21, 1922,[34] which was kept in general terms and consequently applied to Germany, too:

> The Assembly expresses the hope that the States which are not bound by any legal obligations to the League with respect to minorities will nevertheless observe in the treatment of their own racial, religious or linguistic minorities at least as high a standard of justice and toleration as is required by any of the treaties and by the regular action of the Council.

This formulation was very moderate, it meant no more than a "moral obligation" for Germany. In the third place, Germany had in a note addressed to the Peace Conference (dated May 29, 1919) claimed and even received definite "assurances" regarding the treatment of German minorities in foreign countries.[35] Simultaneously, the German peace-delegation had declared: "Germany on her part is resolved to treat minorities of alien origin ("fremdstämmige Minderheiten") in her territories according to the same principles." The Allies had taken note of this statement. In this fact the conclusion of an international treaty for the protection of Germany's "minorities of alien origin" could be perceived.[36] In the fourth and final place, there existed a special Convention regarding Upper-Silesia, concluded between Germany and Poland on May 15, 1922.[37] In this agreement Germany had bound herself to grant the members of minori-

[33] Cf. L. Oppenheim-H. Lauterpacht, *International Law*, I, (7th ed.; London-New York-Toronto, 1948), pp. 280, 584.

[34] *League of Nations, Official Journal* (=O. J.), Spec. Supplement No. 9 (1922), pp. 35 f.

[35] Herbert Kraus, *Das Recht der Minderheiten* (Berlin, 1927), No. 6.

[36] Concerning this question not quite undisputed in international law, see Oscar J. Janowsky and Melvin M. Fagen, *International Aspects of German Racial Politics* (New York, 1937), pp. 94 ff.; N. Robinson, *Indemnification and Reparations* (New York, 1944), p. 110, note 27; H. Marx, *The Case of the German Jews vs. Germany* (New York, 1944), pp. 61 f.; S. Goldschmidt, *Legal Claims against Germany* (New York, 1945), pp. 25 ff.

[37] *Reichsgesetzblatt* (=RGBl), Part II (1922), pp. 238 ff.

ties in Upper-Silesia equality in law and in fact. Did Germany violate these four obligations by the anti-Jewish measures enacted in 1933? That depended upon whether or not the German Jews were qualifiable as a minority.

That National Socialism would not be checked for any length of time in pursuing its anti-Jewish policy by considerations of international morals or law was almost certain from the very beginning. But it was forced to define its position for political reasons. For in the first years after the "seizure of power" the Hitler Government had to pretend that it held international rules in respect. If only for this reason, it was unable to give an evasive reply to the question concerning the minority character of the German Jews. Above all, the Jewish problem in Germany was closely connected with that of German minorities abroad. The Nazi state regarded itself as "advocate" of the cause of the German minorities in Poland, Czechoslovakia, etc. It could not, however, play this part unless it treated its own minorities at home as it wished the German minorities abroad to be treated. Stresemann already had declared in a speech in the Reichstag on February 9, 1926:[38] "We cannot stand up for German minorities in other countries unless we give to those who represent minorities in our own country what we are claiming for Germans abroad." Hitler repeated similar statements several times.[39] Was not the treatment that Germany meted out to the Jews in marked contrast to them?

Alfred Rosenberg gave a negative reply to this question. "What is happening today in Czechoslovakia," he exclaimed in a speech on October 30, 1933, full of indignation, "what we must hear day after day from Poland, are arrests, gagging, economic throttling, persecutions in the literal sense of the word of German co-nationals."[40] Passing over to the situation of the German Jews to whom could equally and actually

[38] Kraus, *op. cit.*, p. 266.

[39] Cf., e.g., speech of May 17, 1933; see also E. R. Huber, *Verfassung* (Hamburg, 1937), p. 81.

[40] *Das europäische Nationalitätenproblem*, published by H. Schoeneich (Berlin, 1935), No. 134.

be applied all these "persecutions in a literal sense," he added: "We must state that Jewry in Germany always declined to be a national minority." Moreover, the conception of a national minority comprised "a national language and a well defined area of settlement."[41] These criteria were not given for the German Jews. They were, therefore, not a national minority. Germany—that was Rosenberg's conclusion—could consequently act as "advocate" of the rights of German minorities abroad and at the same time subject the Jews at home to any inhuman treatment she liked. National Socialist "Wissenschaft" held similar views. For example, M. H. Boehm, a representative professor of "ethnological theory and ethnosociology" ("Volkstheorie und Volkstumssoziologie") declared, Jews and minorities were in a "fundamentally different political-sociological situation."[42] As far as the Jews were concerned their problem was "positively the exact opposite" [?] to that of a minority. The national-socialist lawyers went still further. Their theory was what they called the "law of ethnic groups" ("Volksgruppenrecht") which defined minorities and minority rights as "obsolete conceptions of a liberalistic-parliamentary realm of ideas."[43] This doctrine is already obviously suggestive of the subsequent "New Order." The "law of ethnic groups" started on the supposition that it is admissible to deprive members of certain ethnic groups of their human and civic rights "according to worthiness or unworthiness, ascent and decay." But the outlawed group is not made a minority for all that! The conclusion drawn by National-Socialism was simply a paradox. On the one hand, it was declared that the German Jews were no minority. On the other hand, however, they were regarded as not belonging to the majority. What was world opinion on this point?

The arguments concerning the minority character of the German Jews advanced at the Congress of the European

[41] *Ibidem*, No. 131.

[42] *Der Ring*, VI (1934), p. 270.

[43] Cf. E. M. Schmidt-Burgk, *Archiv des öffentlichen Rechts*, XXV (1934), pp. 129 ff.; K. C. v. Loesch, *Zeitschrift der Akademie für deutsches Recht*, 1939, p. 118.

National Minorities and in the League of Nations are of particular interest. The Congress of the European National Minorities established in 1925 was an international association in which the most different European ethnic groups were represented. In minorities questions the Congress enjoyed undisputed international authority. Among the delegates were a great many representatives of eastern European Jewry and German minorities; but the German Jews were not members of the Congress. At its session IX at Berne (September 1933) the Congress discussed "national dissimilation and the law concerning ethnic nationality" ("Nationalitätenrechte").[44] On this occasion the Jewish delegates wished that the Nazi measures against the Jews of Germany be expressly made a subject of discussion; but the representatives of the German minorities opposed this proposal. The Congress, therefore, resolved to treat the question of dissimilation in a purely academic way, as a problem, "so to speak, taking no account of the present." In consequence, the Jewish delegates left the Congress, as a result of which it lost a great deal of importance. In the discussions the majority of the Congress confirmed "a people's right to national dissimilation" ("das Recht eines Volkes auf nationale Dissimilierung") which meant, in fact, the right of the German people to dissimilate the Jews. The representatives of the German minorities, however, made a declaration in which they spoke of "human groups *made minorities* as a result of dissimilation" ("durch die Dissimilation *zu Minderheiten gemachten* Menschengruppen"). In contrast to the opinion held in the Reich the representatives of the German minorities accordingly said quite clearly that the process of dissimilation produces minorities. True, this question, was not decisively answered in the final resolution of the Congress in 1933. Later on, however, this was remedied. In September 1935, the President of the Congress, Dr. Wilfan, declared: "There are no fundamental objections" to the

[44] For sources for the following presentation, see *Sitzungsbericht des Kongresses der organisierten nationalen Gruppen in den Staaten Europas* (Wien-Leipzig, 1934).

German Jews' joining the Congress.[45] Since the Congress only accepted "minorities," it had consequently in this way acknowledged the minority character of the German Jews.

The League of Nations arrived at a similar conclusion in 1933. It proceeded from the cause of the Jews of Upper Silesia who in 1933 were also subjected to the German anti-Semitic measures. But in Upper Silesia the above-mentioned German-Polish convention containing provisions for the protection of "racial, religious and linguistic minorities" was in force. These minorities stipulatons were placed under the guaranty of the League. The Jews of Upper Silesia, speaking German, did not form a linguistic minority. Nor was the National-Socialist racial legislation directed—theoretically at least—against the Jews as members of a religious group. Whether the anti-Semitic measures taken by the Hitler Government infringed upon the German-Polish Convention, depended exclusively on whether or not the Jews of Upper-Silesia were "a racial minority" in the meaning of the Convention.

This question was submitted to the Council of the League through the so-called Bernheim petition. After the seizure of power, Mr. Franz Bernheim, a clerk previously domiciled in Upper-Silesia, had been discharged by his firm because he was a Jew. He, therefore, addressed a petition to the Council requesting the League to declare all anti-Semitic measures as being "null and void for Upper-Silesia."[46]

A dubious point respecting this petition was first of all the petitioner's right to bring the matter before the Council. Behind the procedural question, the details of which are of no interest in this connection, there arose the substantial legal problem, viz., whether or not the Jews of Upper-Silesia had the character of a minority. This question was submitted to a committee of jurists who stated in their advisory opinion: the non-Aryan section of the Upper-Silesian population belongs "to racial minorities within the meaning of the Con-

[45] *Nation und Staat,* IX (1935-1936), p. 60.
[46] *O. J.,* 1933, p. 933.

vention."[47] Although the German representative had declared that the arguments of the jurists had not convinced him, the Council nevertheless adopted the view of the experts, the German and Italian representatives abstaining from voting.[48] Subsequently, a number of German decrees was enacted which cancelled the anti-Jewish legislation for Upper-Silesia.[49] The phraseology of these decrees, however, evaded describing the Jews as a minority. According to the accessible material[50] mention of "the members of the Jewish minority" was only made in an order of the NSDAP.[51]

The special case of the Upper-Silesian Jews having been settled in the Council, the General Assembly, in October 1933, entered into a discussion of the minority character of the German Jews outside Upper-Silesia. Out of the discussions in the Sixth (political) Committee of the General Assembly, three theses finally took on shape.[52]

The first was supported by Beneš and the British delegate Ormsby-Gore. Both based their views on the fact that the Jews were acknowledged as minorities in the treaties concluded with the eastern European states. Since the Jews of any country were connected with the Jews of every other country by "those same ties of blood and kinship and history," Jews "elsewhere" and "everywhere" (Ormsby-Gore), or at least the Jews "of any European state" (Beneš) must be regarded as a racial minority. The Jews of Germany, too, were therefore a racial minority.

[47] *Ibidem*, p. 934.

[48] *Ibidem*, p 849.

[49] Cf., e.g., *Amtsblatt der Regierung zu Oppeln*, 1934, No. 32, p. 198.

[50] Printed in *C. V. Zeitung*, 1934, No. 17.

[51] The Convention relating to Upper-Silesia expired June 15, 1937. From this date the German Government made up as quickly as possible for all antisemitic measures hitherto refrained from in Upper-Silesia. Apart from Danzig, that did not belong to Germany, there existed for a limited period international minority protection even for the Jews of the Saar Territory. The German Government made a promise to the League of Nations in a note of December 3, 1934 (RGBl, Part II [1935], p. 124) that the inhabitants of the Saar Territory would not suffer a "Schlechterstellung wegen ihrer Sprache, Rasse oder Religion" after the re-incorporation. This promise, however, became invalid from February 29, 1936 on.

[52] *O. J.*, 1933, Spec. Suppl., No. 120, pp. 36 ff.

The French Senator Bérenger and the Greek delegate Politis, an international lawyer of world-wide reputation, objected that the minority character of the Jews could only be judged separately for each country. Very few French Jews, Bérenger declared, would be found who would describe themselves as members of a Jewish minority. Matters had been just the same in Germany until a short time ago. But "as soon as there is legal discrimination, a minority exists within the meaning of modern law. The Jewish minority as such may not have existed in Germany. It is created when discriminatory treatment is accorded to the German Jews." Politis formulated these ideas with remarkable lucidity when he declared in a wellknown discourse:

> In some countries, there is no longer any distinction, in law or in fact, between minorities and the rest of the population. The minorities have become fused in a single and indivisible population, and in those countries they have no desire to be regarded as minorities. . . . None the less, they are still latent minorities—sleeping minorities, as one might say—ready to awake at any moment when their moral union with the rest of the population may be relaxed; and it might be relaxed in either of two ways: either the minorities might seek to secure a special position in the State, or the State itself might treat them differently from the other sections of the population.
>
> That, I think, is how the Jewish question, which has been so much discussed here, can be settled. Either the Jews are a minority or they are not. That depends on the particular case. They are a minority where, whether through their own act or through that of the State, they hold a special position . . .

The third thesis was pleaded for by the German delegate. "The Jewish problem in Germany," he said, "is a problem *sui generis*," that cannot be dealt with like an "ordinary minority question." What was his motivation? "In Germany it is a demographic, social and moral problem . . ."

A compromise between the German thesis and the views of the other delegates was not attained. Since Germany—apart from Upper-Silesia—had never concluded a minorities treaty giving the League the right of intercession, the Assembly had no choice but to reaffirm solemnly the above-quoted recommendation of September 21, 1922.[53] France, more-

[53] O. *J.*, 1933, Spec. Suppl., No. 115, p. 88; see above, note 34.

over, proposed to confirm that the recommendation of 1922 must be applied "without exception to all classes of nationals of a state that differ from the majority of the population in race, language or religion." After the foregoing discussions there was no doubt that the proposition was exclusively aimed at the German Jews. The German delegate stressed this fact and declared he would therefore oppose the draft resolution. All the rest of the members voted in favor of the draft. Since for its passing, however, unanimity was required, the French draft resolution had to be formally considered as rejected.[54]

Its passing would not have altered the fate of the German Jews. The Geneva recommendations had only the character of moral admonishments, fulfilment of which could not be enforced. Moreover, Germany left the League on October 14, 1933. But above all, Poland declared on September 13, 1934, that "pending the introduction of a general and uniform system for the protection of minorities" she refused all cooperation with the organization in the matter of the protection of minorities.[55] Therewith the minorities system had received its death-blow. Why should a regime like the National-Socialist still put restraint on its methods in treating the Jewish minority?

National-Socialism consequently proclaimed more and more unconcealedly: Germany had the right to intervene with foreign states for the protection of German minorities, whereas every interference in favor of the German Jews must be regarded as an international wrong.[56] This contra-

[54] *Loc cit.*

[55] *O. J.*, 1934, p. 2.

[56] Cf., e.g., Hans Frank, *Zeitschrift der Akademie für deutsches Recht*, 1936, p. 140. Upon the enactment of the Nuremberg Laws, in official and semi-official statements, even the Nazis adopted a terminology which described the Jews as " völkische" or "nationale Minderheit" (cf. *Völkischer Beobachter*, September 16, 1935; B. Lösener and F. A. Knost, *Die Nürnberger Gesetze* [Berlin, 1936,], p. 18). In order to veil the contradiction, it was added that the Jews of Germany were certainly a minority but no minority "im völkerrechtlichen Sinne," because they had not yet a state in Palestine (Lösener-Knost, *op. cit.*). No mention was made of the Swedish delegate Sandler who had dealt with this question on October 3, 1933, in the League of Nations (Cf. *O. J.*, 1933, Spec. Suppl., No. 120, p. 29).

diction was rendered especially conspicuous upon the enactment of the Nuremberg Laws and was therefore exposed again before the public of the world by James G. MacDonald, the High Commissioner for Refugees. In his historic letter of resignation (December 27, 1935) MacDonald demonstrated that the German Jews "although not claiming or desiring to be a minority" must be regarded as such; ". . . as soon as there is legal discrimination, a minority exists within the meaning of modern law."[57] In consequence, the members of the League were authorized to take collective action against the German Government on the "basis of the public law of Europe." But this appeal was unsuccessful. A petition submitted to the League in 1936 by a number of Jewish and non-Jewish organizations met with a similar fate.[58] The President of the General Assembly explained to the proponents of the petition "that the League would continue its humanitarian work in behalf of the refugees, but would take no *political* action in the matter." [59] With this answer Geneva had played its part as a forum for the discussion of the Jewish question in Germany.[60]

In spite of this negative final result, the activities of the League in this question were not without importance. Thanks to the Bernheim petition the 10,000 Jews of Upper-Silesia were saved from the worst for several years. They certainly obtained but a limited respite, and in proportion to

[57] Printed in Janowsky-Fagen, *op. cit.*, p. 131 ff.

[58] Printed *op. cit.*, pp. 229 ff.

[59] Nathan Schachner, *The Price of Liberty: A History of the American Jewish Committee* (New York, 1948), p. 116.

[60] Even later the Jewish question in Germany was occasionally discussed as a minority problem in individual states. After the November, 1938, pogroms the House of Commons, e.g., with no dissenting voice, passed the motion "that this house notes with profound concern the deplorable treatment suffered by certain racial, religious, and political minorities in Europe . . . " (*Parliamentary Debates, House of Commons*, London, November 21, 1938). There was, however, no intervention of the British Government with Germany. Not until after World War II did Mr. Atlee declare that the persecution of the Jews in Hitler Germany was a matter "that far transcends a question of mere domestic jurisdiction" (see K. Stillschweig, "International Protection of Human Rights and Fundamental Freedoms," *Historia Judaica*, IX (1947), p. 42; X (1948), p. 43 ff.)

the total number of the German-Jewish population amounting to 550,000, even the result expressed in figures may seem rather poor. For the Jews of Upper-Silesia, however, the respite had undoubtedly great importance. But above all the Bernheim petition has shown that even a regime like the National-Socialist—in the first time of its existence at least—had to submit to international rules if referred to before all the world. It is therefore to be regretted that the League did not discuss whether the treatment of the Jews in Germany already before 1939 meant a menace to international security. In the opinion of the prosecutors in the Nuremberg trial, the discrimination against the German Jews was the prelude to the Nazi aggression, and the League would have been entitled to deal with any matter "affecting the peace of the world." [61]

IV

Post-War Problems

Since the end of World War II the discriminatory measures of the Hitler period have been voided by the Allied military forces occupying Germany.[62] The surviving 10-15,000 German Jews still in Germany today have not lost their status as a minority for this reason. The Geneva discussions have made clear that a section of the population either through the act of the state or of their own accord may become a minority.[63] According to every report from Germany it is beyond

[61] Art. 4, par. 4; art. 11, par. 2 of the Covenant of the League of Nations; see also K. Stillschweig, *Die Friedenswarte*, XLVIII (1948), pp. 214 f.

[62] For sources, cf. Helmut Ruge, *Reichs- und Zonen-Gesetze* (Berlin, 1947), *passim*.

[63] A decision of the Kammergericht in Berlin of October 29, 1946, (printed in *Zwischen den Zeiten*, I [Koblenz, 1947-1948], pp. 63 ff.) seems likewise to suppose that the Jews of Hitler Germany had become a minority. To be sure, the decision does not expressly term the Jews as a "minority." It states, however, that the Jewish population of Germany was a special group exposed to a "Kollektivzwang." The court decision draws the conclusion that legal acts of Jews during the Nazi period may be contested under certain circumstances. The question of indemnification and reparations and the punishment of crimes against humanity cannot be dealt with within the scope of this article.

a doubt that today the German Jews no longer regard themselves as members of the German nation but as a separate ethnic group.[64] A representative body like the Second Congress of the Liberated Jews in the British Zone of Germany, e.g., in claiming recognition of the Jews as "members of the United Nations" has very clearly expressed this view.[65] The German people, moreover, continues hating the Jews. "Denazification has failed. Renazification is succeeding." [66]

It is therefore only a logical conclusion that Earl G. Harrison in his report to President Truman emphasized that "the first and plainest need of these people (i.e., the German Jews and D.P.'s) is a recognition of their actual status *as Jews.*" [67] Similarly the Constitution of the International Refugee Organization (IRO) distinguishes between "persons having resided in Germany . . . and being of Jewish origin" on the one hand, and "persons of German ethnic origin" on the other.[68] As a rule, the Military Government, however, regards the German Jews as being not a national minority but a group of "victims of fascism" like, e.g., persecuted social-democrats. This view does not sufficiently take into consideration the special condition of the Jews.

It may, therefore, prove detrimental even in the future. The UN-Commission on Human Rights has declared that

64 "The Jews have severed their former connections with defeated and unrepentant Germany . . ." (*Unity in Dispersion: A History of the World Jewish Congress* [New York, 1948], p. 336). *Der Weg, Zeitschrift für Fragen des Judentums,* III (1948), p. 9, with reference to an actual case, described as a "zweifellos . . . seltene Ausnahme," if a Jew in Germany wishes to Germanize his name.

65 "Wir werden uns niemals damit einverstanden erklären, irgend eine Gruppe von uns, *kraft deren früherer Staatsangehörigkeit,* auf eine Stufe stellen zu lassen mit denen, die für die Katastrophe des zweiten Weltkrieges und seine grausamen Folgen verantwortlich sind" (*Jüdisches Gemeindeblatt für die britische Zone,* II [1947], No. 9) (Italics mine).

66 Gerhard Jacoby, *The Story of the Jewish* "DP" (New York, 1948), p. 23. The Jews of Germany are, therefore, discouraged from resettlement in their former country by responsible Jewish organizations (cf. *Unity in Dispersion,* p. 336). Accordingly the American Joint Distribution Committee as a rule withholds financial assistance from Jews intending to return to Germany (American Joint Distribution Committee, Emigration Headquarters [Paris], *Administrative Memorandum,* No. 131, April 25, 1947 [mimeogr.]).

67 Printed in *New York Times* of September 30, 1945.

68 Annex I, Parts I and II.

for any peace treaty not yet concluded there should be elaborated specific provisions "seeking to protect human rights and minority rights." [69] It is self-evident that stipulations of human rights in a future peace treaty with Germany will also be applicable to the Jews.[70] By minority rights, however, they can be protected only if recognized as a minority. It hardly needs mentioning that minority rights would have no value for the Jews unless they were in conformity with their specific situation. The right to use their own language before the authorities, e.g., a right usually accorded to minorities, is lacking all practical consequence for the German Jews, whereas rules about punishment for inciting race hatred or the right to establish schools and cultural or religious institutions may become of great importance.

The German Jews who have emigrated and not yet acquired a foreign citizenship can be regarded even less as Germans today than the Jews left in Germany. The emigrated Jews lost their former German citizenship through individual or collective denationalization ("Ausbürgerung").[71] It is true that the Allied Military Government voided the denationalization measures of National-Socialism *ab initio*.[72] The Legal Directorate of the Allied Control Council, however, decided in 1946 that the German citizenship is not automatically restored by the cancellation.[73] Contradictory to this standpoint, stateless Jews of former German citizenship were treated after World War II (partly already during the War) as enemy aliens, for instance, in France, Belgium, Holland, and a few South American States.[74] Numerous protests against these measures were made by Jewish organizations as a result of which France and Belgium, for example, moder-

[69] *United Nations, Economic and Social Council, Report of the Commission on Human Rights* (New York, 1948), p. 10, par. 36.

[70] See also *The Peace Treaty with Germany, Recommendations of the American Jewish Committee* (New York, [n.d.]).

[71] Cf. Eleventh Executive Ordinance to the Reich Citizenship Law of November 25, 1941, (RGBl. 1934, Part I, p. 722).

[72] For sources, see K. Stillschweig, *Friedenswarte*, p. 212.

[73] Cf. *Restitution of Citizenship to Jews in Certain European Countries*, published by the Institute of Jewish Affairs (New York, May 12, 1947) (mimeogr.).

[74] *Ibidem;* see also *Unity in Dispersion*, pp. 274 ff.

ated their policy.[75] It is to be desired that, at least, the distinction made by the IRO Constitution between former residents of Germany "of Jewish origin" and persons "of German ethnic origin" be recognized by such states as are still regarding emigrated German Jews as German subjects.

[75] A memorandum drawn up by the Council for the Protection of Rights and interests of Jews from Germany (*The Jews from Germany in the Post-War World*, New York, [n.d.]) claims: ". . . the Jews from Germany shall be regarded as friends and allies of the United Nations, not as enemies." See also *Unity in Dispersion, loc cit.; To the Counsellors of Peace, Recommendations of the American Jewish Committee* (New York, 1945), p. 32.

THE ELEAZAR COINS OF THE BAR KOCHBA REBELLION

By Leo Mildenberg
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"De quelque côté que l'on se tourne, les contradictions abondent et les difficultés se multiplient. C'est en recherchant les pièces nouvelles, en les publiant à mesure qu'elles se présentent, en accumulant les rapprochements et les hypothèses, que l'on pourra trouver la clef de tous ces mystères et sortir de l'incertitude dans laquelle je suis contraint de demeurer. J'ai tâché de donner l'exemple, c'est ma seule excuse."

Le Comte Melchior de Vogüé, "Monnaies Juives, Eleasar," *Revue Numismatique*, 1860, p. 290.

Introductory Remarks*[1]

IN these notable words Melchior de Vogüé, a pioneer in Semitic epigraphy, summed up the task of Jewish numismatics, namely, a comprehensive, careful assembly and publication of the scattered material as well as an examination and comparison of the various interpretations. This task is still as urgent today as it was almost a century ago.

In recent decades, the paths of north-Semitic epigraphy and Jewish numismatics seem to have crossed all too rarely, which is especially regrettable since Jewish numismatics is in need of a basic discussion of the epigraphical problems, for the coin-inscriptions are late derivatives from old, time-honored script-characters, which were revived once more and played their part in history in the heroic wars of the Jews against Rome.

* This study is dedicated to the cherished memory of the author's mother, Mrs. Jenny Loeb Mildenberg, born May 6, 1887, in Wohnbach near Frankfort-on-the-Main, who died at an unknown date in one of the eastern extermination camps as a victim of Nazi barbarism.

[1] The writer wishes to express his gratitude to all the authors, museum curators, coin dealers, and collectors, who were kind enough to supply materials or to make suggestions for the present study. He is specially indebted to Dr. Herbert A. Cahn of Basel.

The last Jewish rebellion against the Imperium Romanum (132-135 C.E.) produced the last independent coinage of the Jews, which in its range and significance far surpasses the earlier productions. The choice of the ancient script and traditional symbols, the proclamations conveyed by the inscriptions, and the incessant recoining of an astonishing quantity of foreign silver and bronzes are highly significant for the spirit and aims of the rebels. The indications which we may thus gain from the study of this coinage for the history of the rebellion are all the more important because only few other archaeological sources are available and the scanty literary tradition is not of a high value.

The present study is concerned with that particular series of the rebellion coinage the inscription of which is very hard to decipher, namely, the words אלעזר הכהן, "Eleazar the Priest," occurring in a great variety of forms. The other name found with a title in a coin inscription, שמעון נשיא ישראל, "Simon, Nasi ("Patriarch") of Israel," has at any rate a familiar ring and permits some explanations. In contrast to this, the title "The Priest" (compare the titulature of the Maccabean coinage, "The High Priest") is surprising. No one knows the reason why the "Eleazar" inscription appears in so irregular a manner on the coins, what caused the minting of this series, or who this Eleazar really was.

For this reason the author will attempt to take stock of all the Eleazar coins known to him, to clarify their singular epigraphical character, as well as their position and importance in the rebels' coinage, and finally to explain the meaning of the name and title. This will lead to a provisional survey of that coinage as a whole.

I

The Inscriptions and Types of the Eleazar Coins

1. The Legends

The over-all picture which we obtain of the Hebraic inscriptions on Jewish coins from the period of the Maccabees to that of Bar Kochba is unique.

A conscious revival of a language no longer spoken in daily life took place. It was an emphatic reinstatement of what was old, venerable and sanctified by law.[2] During the whole period the spoken language was Aramaic; but for the legends of the coins Hebrew was used.

These legends were written in the so-called "coin-script," which in itself is an intentional revival of the old Hebraic cursive-script of the first half of the first millennium B.C.E. The script in general use during these later centuries was the Aramaic in square forms. The revived old script as used for the inscriptions by unskilful craftsmen no longer obeys its original laws, for there had been no continuity of survival or development up to the time of the striking of the Eleazar coins. Their script cannot be compared with the contemporary script that was then in general use.[3] It was merely a readoption of an obsolete script for the single and important purpose of serving as the official script for the coinage.[4]

The fact of such a revival may cause a great variety of opinions and errors.[5] It is possible that several old models

[2] It was rooted in the very nature of the Maccabean community (after the victory of the Orthodox over the Hellenists; cf. Elias Bickermann, *Der Gott der Makkabäer* [Berlin, 1937], p. 137) as well as in that of both rebellions against Rome (recovery of political sovereignty and of religious as well as cultural independence).

[3] For this reason alone, one should not rely solely on purely epigraphic argumentation; for a long time it misled the advocates of the early dating of the thick shekels and the alleged bronzes of Simon Maccabaeus, until finally the question was decided against them by archaeological, numismatic, and historical evidence. This threefold evidence offers proof against the latest, and occasionally suggestive, attempt at early dating (Wolf Wirgin, "The Problem of the Shekels," Seaby's *Coin and Medals Bulletin*, No. 366[Nov., 1948], 495-9).

[4] The script on the ossuaries of the time has quite another character. It is clearly square in form, even though it has a rather cursive appearance; cf. Eleazer Sukenik in *Samuel Krauss Anniversary Volume* [Jerusalem, 1936], pp. 87-93). The same applies to the script of the Nash Papyrus (William Albright, "The Nash Papyrus; A Biblical Fragment from the Maccabean Age," *JBL*, LVI, 1947, 145-176). Even if one should assume a dating 100-200 years later (cf. Franz Rosenthal, *Die aramaistische Forschung seit Th. Nöldekes Veröffentlichungen* [Leiden, 1939], p. 373), this still is a Hebraic papyrus from the time of the coinage under consideration and in a script far removed from the ancient Hebraic writing (the Nash Papyrus includes such fundamental items as the Decalogue and the "Shema" prayer).

[5] In this connection, David Diringer, *Le Iscrizioni Antico-Ebraiche Palestinesi* (Firenze, 1934), Appendice II, p. 329, n. 1, writes: "Non è del resto

with differing characters were employed. There is considerable divergence in the training and general approach of the die-engravers. Moreover, the conditions caused by years of bitter war against the Roman Empire make themselves felt at every point. Far more important than a careful execution or flawless inscribing of the legends, became the mere fact that the Jews' own national symbols and their own time-honored characters appear on the coins to proclaim the re-establishment of Jewish sovereignty. All these considerations explain the many irregular features of the coin-script most typically represented by the inscription "Eleazar the Priest."[6]

2. THE ELEAZAR LEGENDS

The two words "Eleazar the Priest" never occur on the coins of the Bar Kochba Rebellion in regular normal writing. The letters are grouped on the bronzes under the palm and on the denars around the jug in so many perplexing ways that generations of students had to make all kinds of efforts to decipher this legend. At first they thought even of some secret code, in fact, a deliberate mystification. It was only at the beginning of this century that one could finally break the vicious circle of strange misreadings and explain the recurrence of the two words in varying forms.[7] Since then,

escluso che, . . . cosi accanto alla scrittura quadrata possa essere rimasta sempre in uso la scrittura antica . . " This view, however, is contradicted by the archaeological findings (see above, note 3), the historical development of the script (the square Hebraic script developed by way of the Aramaic, which served as the official script of the Persian Empire, and not directly from the ancient Hebraic cursive script; cf. also the script of the Elephantine papyri), and the numismatic evidence (the abundance of irregular forms from the various periods of coinage shows that even the die-engravers—not to speak of the public—were not fully acquainted with the old Hebraic script).

[6] Strange letter-order, omissions, transpositions, abbreviations, parts of legends reversed, and whole inscriptions written in "retrograde" direction, distorted forms, and meaningless surface-scratched characters. Even such complete series as the tetradrachms of the Bar Kochba Rebellion and the "thick" silver shekels of the Jewish War are not free from several of these features. The latter, however, remain in spite of this fact an exceptional phenomenon, because of the perfect minting, their uniform symbolism, and monumental script. This phenomenon still awaits explanation.

[7] It was Michel De Vogüé who first paved the way for the understanding of these legends (Monnaies Juives, Eleasar," *Revue Numismatique*, 1860, p. 290), shortly after Félicien de Saulcy had published Eleazar coins in woodcuts (*Re-*

however, no effort has been made to identify every single letter of this irregular legend on the basis of the material which became available in ever increasing quantities. Hence, even now the alphabet used in the Eleazar inscription is not quite clear and correct as given in the standard script-tables,[8] and misreadings have obstinately perpetuated themselves up to today.[9] For this reason the presentation in words and pictures on Plate 2 of the epigraphical findings in the Eleazar legends may well prove useful.

cherches sur la numismatique judaique [Paris, 1954]. Two years after the publication of De Vogüé's study, Moritz Abraham Levy (*Geschichte der jüdischen Münzen* [Leipzig, 1862], p. 99) allowed himself one of the worst misreadings in the history of this deciphering. An important advance was marked by Frederic W. Madden with his Hebraic alphabet-table (*Coins of the Jews* [London, 1881]). Madden, however, still attributed the Eleazar coins to the first rebellion, the Jewish War, whereas Theodore Reinach (*Les Monnaies Juives* [Paris, 1888]) on purely numismatic grounds ascribed them to the second, the Bar Kochba Rebellion. Leopold Hamburger ("Die Münzprägungen während des letzten Aufstandes der Israeliten gegen Rom," *Zeitschrift für Numismatik*, XVIII [1892], pp. 241-348) discussed the personality of Eleazar and gave attention to the overstrikes; but they induced him to a dating which is ten years too early. In the standard epigraphical works there are some brief but valuable suggestions (cf. Mark Lidzbarski, *Handbuch der nordsemitischen Epigraphik* [Weimar, 1898] p. 184s.; G. A. Cooke, *A Textbook of North-Semitic Inscriptions* [Oxford, 1903], pp. 352-359, Pl. X). In an appendix to his *Geschichte des jüdischen Volkes*, I (Leipzig, 1901), p. 769, Emil Schürer drew too far-reaching conclusions from the fact that no Eleazar issues from the second and third coinage periods were known. George F. Hill (*Catalogue of the Greek Coins of Palestine* [London, 1914], cited hereafter as "BMC, Palestine) presented the then state of secure knowledge which is even today basic. In the same year, Edgar Rogers (*A Handy Guide to Jewish Coins*, [London, 1914], p. 56, n. 1, Pl. V. 2) published the first Eleazar coins of the third coinage period. The only specimen known from the second period was first described and illustrated in 1931 by C. Lambert ("Coins in the Palestine Museum," *The Quarterly of the Department of Antiquities in Palestine*, I, No. 2 [Oxford-Jerusalem, 1931], p. 71, Pl. XXXVII, No. 8; see infra Appendix, Explanations to Plate, No. 5). More recently, M. Narkiss (*Coins of Palestine*, I [Jerusalem, 1936] in Hebrew) reviewed the Eleazar bronzes, and Adolf Reifenberg (Ancient Jewish Coins [2.ed., Jerusalem, 1947] dealt with all the Eleazar issues.

[8] Hill's alphabet-table does not list the normal form of the letter Zayin, which had been discovered by De Vogüé and Cooke and is today well known from the inscriptions, particularly from the seals of the royal period. Hill faithfully reproduced the correct form on p. 302, under No. 1. The form of the Kaf is also not rendered correctly. All the retrograde forms are found among the normal characters. It may be noted that the British Museum has apparently no specimen with the die E 3; nor does it possess any Eleazar denarius (according to information received from Mr. E. H. G. Robinson).

[9] M. Narkiss (*Coins of Palestine*, I, p. 122) misread three He's and also 10 letters instead of 9. He did not list E 3 and E 5.

E 1 : AE. 'Retrograde' inscription on both sides of the trunk of the palm, in two horizontal lines. The Lamed is set half a row lower.

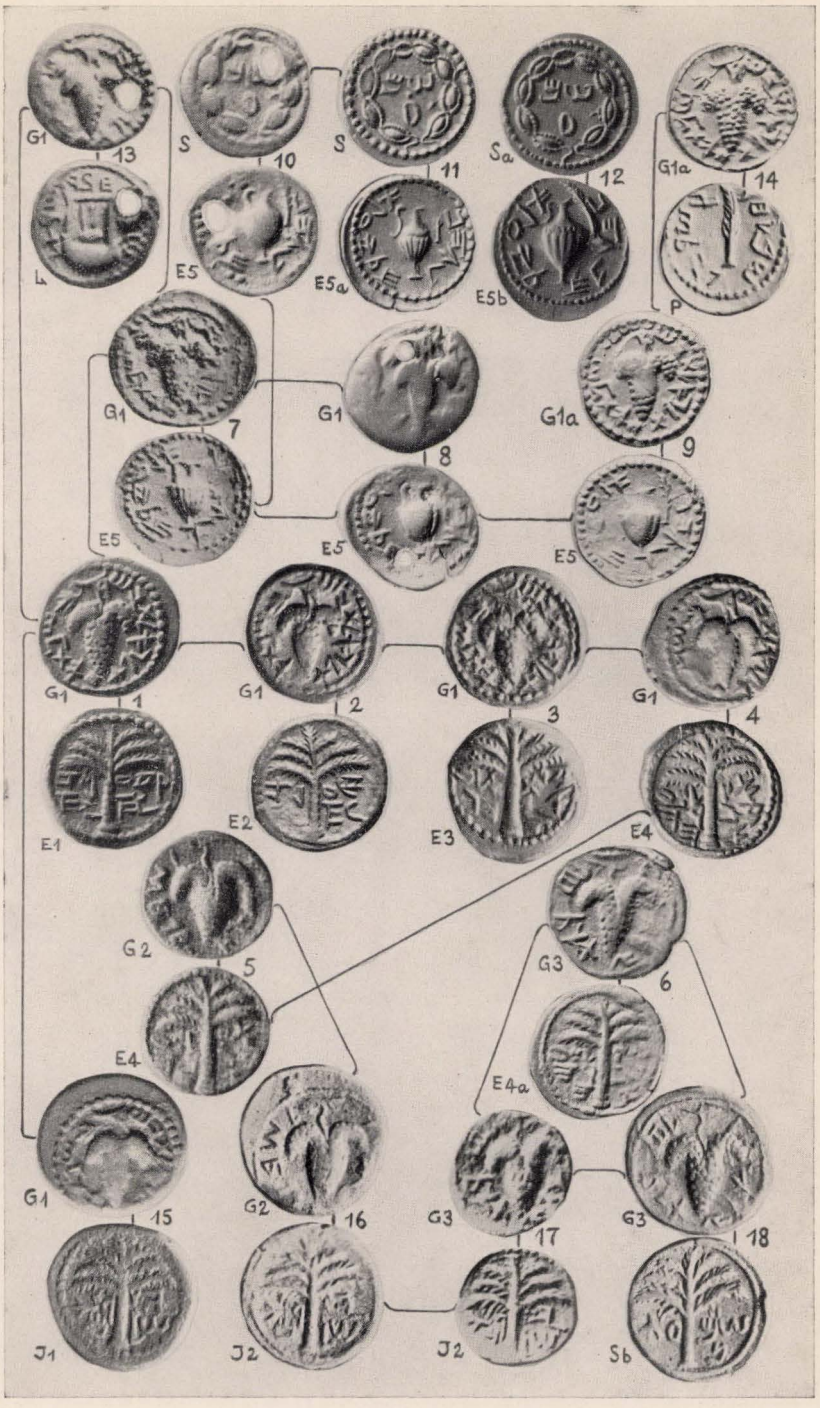
E 2 : AE. 'Retrograde' like E 1, only the two letters, Zayin and Resh, are set about half a row above the others, on the right.

E 3 : AE. Inscription with normally formed characters and no inversions; every single letter—read in the customary script-direction—can be clearly identified. The nine letters, however, are not ranged in lines, but scattered fortuitously on the free flan under the date palm.

E 4 : AE. Inscription in three horizontal rows—normal letter-forms in normal script-direction. Only the last letter of the second word, the Nun, has fallen out of line. The die-engraver, finding at the end that he had no more room for this letter, put it in where there was a space—in the middle. The last letter is to the right of the trunk, in the second row after the Zayin.

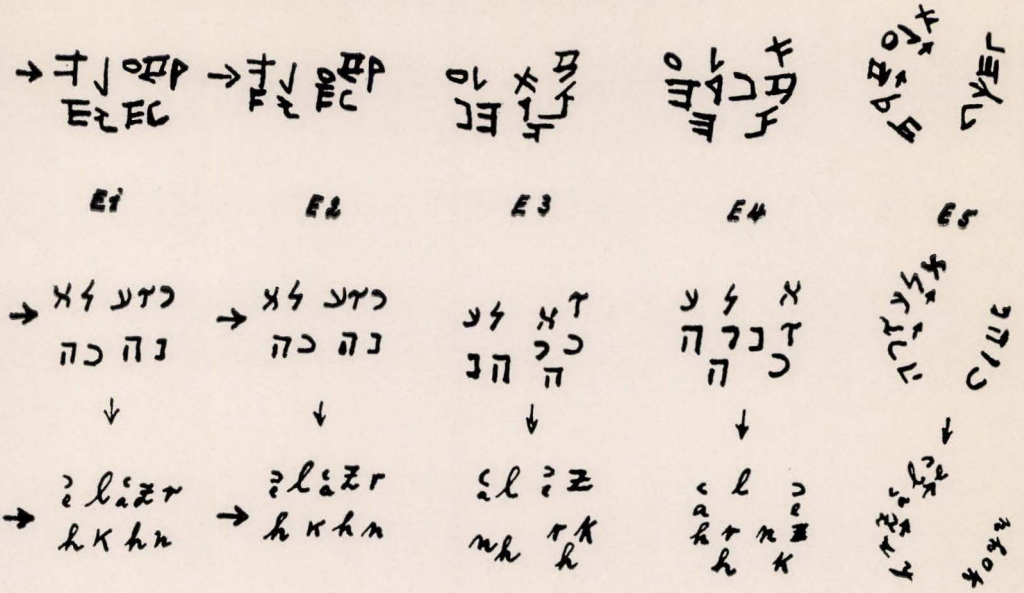
E 5 : AR. The Eleazar Legend on the denars. It can be read (with the normal form of the letters) in the regular direction, but two letters, Zayin and Lamed, are inverted, and the Kaf and Resh have a form somewhat modified by the engraver. The second word is written in full with Vav, so that there are ten letters.

According to this, E 3, E 4 and, with the two exceptions mentioned, E 5 as well, offer the correct letter-forms for the "Eleazar" legend in the normal script-direction. The lettering of legends E 1 and E 2 in the retrograde script-direction allow us to test the findings from a concrete example: seen in a mirror, they correspond completely to the normal forms. In fact, the very reason for the existence of these 'retrograde' inscriptions is that the inexperienced die-sinker adopted with great exactitude the lettering of this model (positive, of course) for his die, without knowing the basic rule of his trade. Hence, it is clear that only the normal forms should be introduced from the Eleazar alphabet into the tabulation

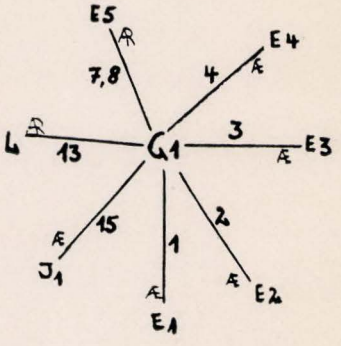


THE ELEAZAR COINS OF THE BAR KOCHBA REBELLION

THE ELEAZAR INSCRIPTIONS



MODERN	E1, E2	E3, E4	E5, E5a	E
א				
ב				
ג				
ד				
ה				
ו				
ז				
ח				
ט				
י				



of the Jewish coin-script: these forms are shown on Plate 2 by the letter 'E'.

3. THE OTHER LEGENDS ON THE ELEAZAR COINS

The above exposition of the epigraphical findings has shown a large number of remarkable and characteristically irregular forms in the Eleazar legends which are arranged around the palm or the jug.[10] What is the picture when one turns to the legends[11] around the grape-cluster on the other side of the Eleazar coins? There we do not find a single retrograde or misplaced letter, let alone retrograde legends or any arbitrary scattering of the inscription.[12] Whoever engraved this die, knew the fundamental rules of his craft. Fully understanding how it was to be achieved, he set out to produce legible, comprehensible inscriptions. Here is a typical phenomenon: the dies of the obverse and reverse of the coins of this series must be the work of more than one hand.[13] The man who finally struck the Eleazar coins thus combined the productions of several engravers. It will become clear in the course of the present inquiry that the minter even employed dies from different periods for a single coin; he did not cast in preparation any blank of his own, but "overstruck" a foreign, already current coin.

The inscriptions, all easily legible, even if occasionally rather abbreviated, which accompany the Eleazar legends, are also found on the other issues of the Bar Kochba Rebellion. The epigraphical picture which they present—so far as the material at present available permits—may here be summarized as follows.

[10] The Eleazar inscriptions are still more irregular than the legends on other series, so that it is not surprising that scholars could think of an intentional mystification or of a secret code. The reason for these irregular features may be found in the fact that the Eleazar dies of the bronzes of the first year had been sunk at a very early date.

[11] With the exception of the so-called "Hybrid" denars, which show on the obverse the first three letters of the name Simon in a wreath.

[12] E 3; cf. *supra* note 10.

[13] A feature which can be proved also for the earliest tetradrachms; cf. Leo Mildenberg, "Eine Überprägung des 2. Aufstandes der Juden gegen Rom," *Schweizerische Numismatische Rundschau*, XXXIII (1947), pp. 17-24.

G: The Legends around the Grapes

G 1 : "Year One of the Redemption of Israel"

שנת אחת לגאלת ישראל

The die is a gem of Jewish engraving art. The epigraphically flawless inscription fits elegantly into the flan around the grape cluster. These small bronze pieces—their size was predetermined, the denomination being very common in the East—offered little room for the 16 letters of this, the longest legend of the "Bar-Kochba" coinage. Even the engravers of the tetradrachms which were twice as large failed to find so happy a solution for the problem of how to use the available space. Our artist saw that, even if quite small, 16 letters would not fit into the space on the coin. He contented himself with rendering 14 letters with delicate conciseness, correctly, clearly, and in a satisfying aesthetic form, and resolutely omitted the last two—Aleph and Lamed. The example of his abbreviation, which was in no way overdone, and perfectly understandable, was followed in the later issues.

G 2 : "Y(ear) Two of the Fr(eedom) of Israel"

ש'ב' לחר' ישראל

This inscription has no less than three abbreviations which, however, are not confusing. The form of the letters is clumsy. The vinestem and the point of the grape cluster arbitrarily divide two words. Yet, there is no really irregular feature observable.

G 3 : "To the Freedom of Jerusalem"

לחרות ירושל'

Here a letter is omitted only in the second word, namely, the last Mem, whereas the first word is unabbreviated and indeed written out in full with the Vav, and between the second and third letters of this word there is an empty, unused space. The letters are very shallowly cut, which is

also the case in general on the coins of this period, especially on the later specimens. Epigraphically, the form of the letters is still flawless. One gets the impression that the engraving of this die was executed in haste, though not yet in the desperate conditions of the breakdown that prevailed during the final phase of the Rebellion.[14]

Only on some of the small silver coins—"overstruck" denars—which bear the legend, "Eleazar the Priest," a triangular legend composed of three letters is found alongside the G legends (the only ones on the small bronze): Shin, Mem, and Ayin. These letters are beautifully and correctly engraved and, in the writer's opinion, represent yet another abbreviation, one of a quite unmistakable nature for the rebels, even though less obvious to the beholder today: the first three of the five letters of the word Simon (SHIMEON).[15] The five letters of this name occur very frequently on the coins of the Rebellion, especially in the second and third periods of coinage. The denars with the wreath show them constantly, often in the abbreviated form.

4. THE SYMBOLS

The symbolism of the coin series under consideration is as simple and clear as the epigraphical picture is perplexing and disorderly, thanks to the irregular Eleazar legends.[16] All the bronzes show on one side the palm tree, on the other the cluster of grapes. All the denars, so far known, show on the one side the jug together with the Eleazar legend, on the reverse, the grapes or the wreath. This uniform symbolism in no way deviates from the types generally employed. All the types of this series are taken from the flora of the land and from the life of the people: the grapes and the vine had already become the favorite symbols for Israel herself. References to them abound in the Bible, while the Prophets

[14] These emergency issues, which are usually—but not very happily—designated as "barbarous," quite clearly stand out among the other pieces as the very last coins. They deserve special attention.

[15] Cf. *infra*, at note 24.

[16] Cf., besides Narkiss and Reifenberg, *op. cit.*, especially Paul Romanoff, *Jewish Symbols on Ancient Jewish Coins* (Philadelphia, 1944).

employ them for purposes of parable. Moreover, they abound in ancient Jewish art.

In the Maccabean and Herodian coinages (with the exception of the small bronzes with the seven-branched candlestick of Mattathias Antigonus and of a series of Herod Archelaus with vine branch, grapes, and vine leaf) borrowed symbols slightly offensive to the Jews predominate throughout, and distinguish these as only autonomous and not sovereign coinages, whereas already on the coins of the procurators the indigenous plants—palm and vine—appear. A delicately-chased vine-leaf graces the small bronze of the First Rebellion, and on the Eleazar bronze and the great series of medium bronzes of the second Rebellion, these two important products of the land are set forth quite emphatically as symbolic representations. On the victory coinage of the Flavians, after the suppression of the first Jewish Rebellion, there appeared the palm tree, which already in earlier times was regarded as a symbol for Judaea. Now, under that same date palm with its characteristic bunches of fruit, the rebels replace the IVDAIAS HEALOKYIAS inscription (on the "Judaea Capta" coins struck in Palestine) with SIMON (Nasi Israel) and ELEAZAR THE PRIEST. Finally, by the olive wreath, the third important cultivated plant of the country, otherwise strangely neglected, is represented. The one-handled, narrow-necked jug with the fine lip was the favorite vessel for wine and water in daily life, while the two-handled amphora with the wide mouth was used for the heavier, thick-flowing oil.

The choice of these symbols becomes clear and significant only when one considers what the rebels did *not* want to see on their coins, namely, borrowed types,[17] human figures or faces, animals or celestial bodies;[18] for these were portrayed on the foreign coins, which had circulated in the

[17] In this respect the far less consequential autonomous coinage of the Maccabees could not be a model for the rebels. One may only consider the cornucopiae, poppy-head, anchor, and wheel with eight ray-like spokes.

[18] This consideration alone makes the unique appearance of a star on some tetradrachms (and that above the Temple) most unlikely. Actually letters, rosettes, crosses, or wavy lines are found there; cf. Mildenberg, *loc. cit.*, p. 18, n. 5.

country and which were now "overstruck" by the rebels. They wanted to get rid of these hated objects. For this purpose they used the minter's tools, and even the file.[19] They replaced them with the objects close to their hearts and pure in their eyes. One can imagine what it meant to a Jew to see a bunch of grapes on a coin instead of the idolized portrait of the emperor and the various "numina," and to find around the grapes neither a Latin nor a Greek inscription, but a significant legend in his own ancient script.[20] And this in the year 132 C.E., when the Romans had developed to perfection the methods of proclaiming their political program on the coins, whereas the Jews, who clearly understood what this implied, could not forget their two mighty, but unsuccessful uprisings.

5. THE STYLE

Among the die-sinkers of the Eleazar series there were many real artists. Two dies, in particular, from one period are among the finest work that Jewish coin-engraving has to show. They are G 1 and E 5. Framed by the delicate, flawless inscription of 14 letters a ripe cluster of grapes is hanging from a beautifully poised vine-branch. The individual berries stand out with plastic clarity. A small jagged leaf unobtrusively finds a place on the coin-flan. The legend begins near the leaf and ends at the stem, to which the last letter clings closely. This well-balanced composition shows indeed a sublime harmony. Such perfection is lacking in the handsome Eleazar-die of the denars E 5. Here, the two retrograde letters form a disturbing element in the legend. Its

[19] The furrows on many coins of the Bar Kochbar Rebellion are patently traces left by the file. They are found precisely where traces of the underlying type or legend still remained after overstriking.

[20] The exclusive use of the old Hebraic script, revived solely for coins, has been observed on three occasions. The early Maccabean coinage begins with ancient Hebraic inscriptions, but Alexander Jannaeus and Mattathias Antigonus struck already coins with ancient Hebraic legends on the obverse and Greek legends on the reverse. The Herodian dynasty issued no coins with the ancient or any other Hebraic script; the ancient characters appear for the second time in the Jewish War (66-70 CE.). A generation later, the old Hebraic script was readopted for the third time on the coins of the second Jewish war of independence, the Bar Kochba Rebellion.

cramped appearance (כוהן written in full instead of כהן) suggests a later correction. The palm branch straggles off the flan. In contrast to this, the one-handled, narrow-necked jug is beautifully formed, and the contours, especially at the top, are drawn by a master's hand. This jug recurs constantly on the denars of the other minting periods, but always in cruder forms.

The other dies of the Eleazar series are of medium quality only. Yet among them not a single example of the later dies can be discovered, which crop up in most of the other series and whose makers must have had hardly any idea how to engrave a die.

II

Description and Interpretation of the Eleazar Coinage

1. The range of the coinage

So far the small bronzes and denars with the legend, "Eleazar the Priest," have been treated here. Already in his time, De Vogüé had identified a genuine Eleazar denar,[21] namely, the perforated and cracked specimen that is today in the Bibliothèque Nationale in Paris. It has the legend, "Eleazar the Priest," around the jug and "Year One of the Redemption of Israel" around the grapes. This badly damaged piece remained for long decades the only known specimen. Many scholars listed it in their catalogues,[22] while others did not take notice of it,[23] and this even in the books which have become standard works.

After De Vogüé's discovery, a few other denars came to light, which had been struck from the same Eleazar die (E 5), but showed on the other side the first three of the five letters of the name Simon (Shimeon) in the wreath

[21] See Plate, No. 8.

[22] So Th. Reinach, *Les Monnaies Juives*, p. 63, fig. 26; L. Hamburger, *op cit*, p. 254; A. Reifenberg, *op. cit.*, p 61, No 170.

[23] So Hill, *BMC Palestine* (and many others before and after him), as the British Museum possesses no Eleazar denar.

(die S). This was taken—and with good reason—as an abbreviation for Simon, by far the most common name in the whole coinage. Thus, as a result, these specimens were considered to be "hybrid" coins. The late Professor Behrend Pick read these three letters, however, as a complete, unabbreviated word, and, thinking of the Shema-Prayer, translated it as "Hear!"[24] Of course, if that were so, he had found a very remarkable Eleazar denar. Unfortunately, Pick did not devote much research to Jewish coins. He ignored the undeniable facts that abbreviations are common on the coinage of the Bar Kochba Rebellion, that the name Simon in this very same olive wreath, with its nine divisions, appears everywhere written in full, and that for so bold a conclusion one must procure stronger supporting evidence from the general findings and the essential nature of the Jewish coinage.

For decades De Vogüé's Eleazar denar was not given the attention which it deserves. Because it was known only from a woodcut, the fact was overlooked that it has its die in common with the Eleazar bronze, namely, G 1.[25] It further escaped notice that in an auction catalogue a second Eleazar denar was published, with the same dies for both sides as De Vogüé's specimen.[26] Finally, this writer obtained a plaster cast of an unpublished specimen in the Vatican, which is a third Eleazar denar. Moreover, this piece—and here lies its special importance—is splendidly preserved, quite clearly overstruck, and has only the reverse die in common

[24] "Contributions to Palestinian Numismatics," *Numismatic Review*, II (1945), 5-11. These Simon-Eleazar denars are certainly "freaks"; for the Rebellion coinage is distinguished by the fact that a name (Simon, Eleazar, Jerusalem) appears on one side of the coin, while on the other the coinage period is indicated. They are accidental, not regular issues, as the coins with two coinage-period inscriptions. For both groups of coins, however, the term "hybrid" is inadequate, as all these inscriptions are more proclamations than real statements of the minting-authorities or of the dates.

[25] That this die, G 1, appears also on one of the so-called "hybrid" denars (*BMC, Palestine*, p. 289, No. 5, Pl. XXXIII, 8= Plate, No. 13), did not escape the attention of Behrend Pick. The assumption that it is also found on the other "hybrid" denar of the British Museum ("both have as obverse silver offstrikes of a copper coin of Eleazar") is, however, not proved. That die (G 1a) is certainly very similar to, but not identical with, the usual one.

[26] L. Hamburger, *Catalogue*, Dec. 16, 1907, No. 544. Dr. Herbert A. Cahn of Basel directed the writer's attention to the coins illustrated there.

with the two others.[27] Its die with the grape cluster—similar to G 1, but not in any way identical—connects the small series of Eleazar denars with the long series of Simon denars.

Our preliminary spade work has thus produced the following findings: So far we know of Eleazar bronzes from the first, second, and third periods of coinage and of Eleazar denars only from the first period.[28]

2. THE PERSONALITY OF "ELEAZAR THE PRIEST"

This central problem of the coinage of the Bar Kochba Rebellion can merely be illuminated, not solved from the narrow point of view of the present investigation, which deals only with the small series of Eleazar coins. Numismatic research alone cannot give the last word. It must be supplemented by a careful analysis of the other sources.

It was demonstrated above that there could have been no intention of emphasizing the words "Eleazar the Priest," since not a single legend is clear and free from mistakes. Moreover, Eleazar cannot be said to have had his own clearly distinguishing symbols. Whoever had these dies engraved and used for minting, obviously had not the faintest intention of this kind. It might help to consider the other "issuing authorities" named on the coins: Simon (written out, abbreviated, or appearing as "Simon Nasi of Israel") and "Jerusalem." It goes without saying that the city of Jerusalem did not authorize the coinage. Rather, this was a significant word inscribed as a symbol in letters (on the tetradrachms the pictorial symbol of the city, namely, the inner layout of the Temple as imagined by the rebels was added

[27] To the left, above the grape cluster, there appears the outline of a head with the bow of the head-band (presumably Vespasian's) and above that, five letters of the legend. The specimen is in the Vatican and illustrated on the Plate as No. 7. The author wishes to thank Marchese Camillo Serafini, Governor of the Vatican State and Director of the Coin Collection, for his kindness in placing plastercasts of the Jewish coins at his disposal and in describing them carefully. The "Feu Grégoire" Collection in the Vatican has patently great importance for Jewish numismatics.

[28] Cf. *infra*, note 41.

to the word).[29] JERUSALEM was a proclamation, a program. Does this not permit us to draw certain conclusions about the nature and importance of the two other "authorities?"

It is also significant that, in complete contrast to the other contemporaneous coinages, the name of the "issuing authorities" on the Rebellion coinage under consideration appears by no means exclusively on the obverse.[30] The name Simon appears on obverse and reverse, "Eleazar the Priest" is always found on the reverse. Nothing else but the types decided which die should lie on top, which underneath in minting. So we find the grapes constantly on the obverse, while the palm and jug keep firmly to the reverse. The minter himself did not take the legends as guide. Furthermore, the "issuing authority," Eleazar, was certainly not concerned to see that his name and title appeared flawlessly and legibly on the coins, nor that he had his own symbols, nor either, that on his coins the inflexible rule of the coinage of the outer world was observed, and the "issuing authority" be named on the obverse.

Therefore, there is every reason to believe that one may not apply the concepts and methods of, for instance, Greek and Roman numismatic research to the study of this Jewish Rebellion coinage. Not only the coin-inscriptions, but also the Jewish coinage itself in this war of independence was based, in form and spirit, on laws of its own. To establish these laws, is the task of Jewish numismatics.

[29] On the tetradrachms, to which the author intends to devote a separate study. Beside archaeological and numismatic arguments. the strongest evidence against the assumption by prominent scholars of a synagogue is the close connection of this inscription with this building around which it appears. For the rebels the association of the word "Jerusalem" with the *Temple* was more obvious than that with a *synagogue* and its Torah-shrine. If such a synagogue in Jerusalem is taken into consideration, however, the question inevitably arises, when and how this synagogue could have been built there (cf. Mildenberg, *loc. cit.*, p. 22, n. 23).

[30] The problem, which side of the coins is to be regarded as the obverse and which as the reverse, can be solved by a numerical comparison of the dies. By the hammer-blow minting-technique far more demands were made on the reverse-die, which lay always in the upper frame, than on the protected, underlying obverse. In this way, the die, G 1, lasted so long that is was combined with seven different reverse-dies in the bronze and silver coinage. G 1 is thus an obverse.

In this connection, one can say nothing more on the difficult question of the "issuing authorities" of the Eleazar series than what was indicated above: the issuing authority was the rebel organization itself.[31] The mint-masters were themselves rebels. On the coins appear the names and titles (or else the names employed symbolically alone[32]) of the authorities generally recognized as *legitimate* in the Jewish world of the time, that is, the politically important officials (not the military commander Ben Kosiba [Bar Kochba] and not the spiritual leader Rabbi Akiba ben Joseph, who, indeed, was neither Nasi [Patriarch, President of the Sanhedrin] nor Cohen [Priest]). The rebels were thinking above all of the prominent first[33] patriarchs with the name Simon, whose rightful claims they may well have respected, and whose reputation would vouch for the legitimacy of the rebellion. After all, what else could they have opposed to the idolized portrait of the emperor, which they hated and sought to abolish, than the name and the title of their own legitimate leader? Bar Kochba himself may well have given the order for the coinage, but we cannot justifiably assume that he desired to put his own first name on the coins, particularly as there is not the slightest indication that his name was actually Simon.[34] Whatever claims this man, whose

[31] The fact of the coinage and its essential character are, indeed, evidence for the activity of such an independent, governmental organization.

[32] The parallelism of the legends "Simon" and "Eleazar" with "Jerusalem," their appearance on the obverse and reverse, and their combination with the other "proclamatory" legends ("Redemption" and "Freedom" of Israel, and "To the Freedom" of Jerusalem) speak for the existence of a definite intention: the two first names (with and without the qualifying titles) as well as the word, "Jerusalem," were declarations of a program that was intended to vouch effectively for the legitimacy and justice of the rebels' cause (cf. Romanoff, *op. cit.*, p. 37: propaganda coins").

[33] In the first third of the second century C. E. there were patriarchs who bore this name.

[34] Thus it seems improbable that "Simon" of the coins can be identified with Bar Kochba and Bar Kochba regarded as the authority for the coinage. The way in which Bar Kochba was deliberately obscured in the literary sources of the subsequent centuries, is proof enough of the importance of the man. If mention of the "coins of Ben Kosiba" is found in the later tradition (cf. A. Reifenberg, *op. cit.* p 34, n.4), thereby the fact received unintentional recognition that the Jewish military commander left an indelible mark on the last rebellion against Rome (see *Tosephta*, Ma'aser Sheni, 1, 5; *Talmud Jerus.*, Ma'aser Sheni, 1, 2; *Talmud Babyl.*, Baba Kamma, 97 b). The identity of Ben Kosiba (not Bar

deeds have thrilled later ages, may have made even in those years, he would surely not have described himself as "Nasi," since this was the title of a house of scribes who succeeded each other in the presidency of the Sanhedrin. With the legend "Eleazar the Priest," again, the rebels very likely had in mind the designation "High Priest" on the autonomous bronze of the Maccabees.[35] The office of High Priest was abolished with the destruction of the Temple. Yet there may well have been a representative personality from a recognized priestly family whose name and descent had symbolic significance on the coins. This personality was Eleazar. Whether this Eleazar is or is not identical with one or another of the rabbis of this name who are known in Jewish tradition, can at present be only a matter of conjecture. The hypothesis of the prominent numismatist, L. Hamburger, identfiying "Eleazar the Priest" with Rabbi Eleazar ben Asaria,[36] has not yet been proved. However, it has not so far been refuted. In any event, the unanimous tradition that Rabbi Eleazar ben Asaria came from a priestly family lends support to this view.

3. THE MINT

The problem of the mint, important from the numismatic and also from the historical point of view ,can be solved on the basis of the materials available. The assumption must be eliminated, that some of the coins were

Kochba; for Eusebius, *Hist. Eccl.*, IV, 6, 1, is the first in the fourth century to give this form: *Barchochebas*) with Simon and Ben Kosiba's minting authority, is not proved, however, by these traditions. It seems that Eusebius knew the comment by Rabbi Akiba ben Joseph on Num. 24, 17 (cf. *Talmud Jerus.*, Ta'anit, 4, 8 [68d]). This comment is probably the origin of the identification, Ben Kosiba = Bar Kochba ("son of a star") = Simon on the coins.

[35] "Jehochanan, the High Priest, and the Community of the Jews," etc.

[36] L. Hamburger, *op. cit.*, pp. 304-325; E. Schürer, *op. cit.*, I (3rd and 4th ed; Leipzig, 1907), p. 684, rejects Hamburger's thesis. Schürer's assumption that Eleazar played a leading role in the Revolt and was later substituted by Bar Kochba, rests on conclusions drawn from the few Eleazar coins then published, which unfortunately included no example of the not very rare Eleazar bronzes of the third (Plate No. 6) and none of the second coinage period. Due to the publications of C. Lambert (*op. cit.*, p. 71) and A. Reifenberg (*Palestine Exploration Fund Quarterly Statements*, 1935, pp. 83-84) *Schürer's* hypothesis has been abandoned.

struck at a mint within the territory first seized by the rebels, others at a mint in Jerusalem after its capture by the Jews, and the remaining coins at a provisional mint, perhaps in the fortress of Bethar, in the last phase of the long and cruel war. Without exception, all Eleazar coins, silver as well as bronze, were issued by one and the same, possibly travelling mint; for a *single* interlinking dies system can be established, since the several dies were combined by the minter to produce many kinds of coins.[37] Once more it is clear that a uniform, traditional, and artistically finished coinage, such as is met elsewhere, could not have been intended and is not to be expected. That the coins were overstruck was important; that the Jews' own ancient script and their own symbols were thus displayed, was still more important; but the really vital point was that it was possible to mint at all, and that the rebels' own coinage was in circulation. As long as coins were struck, the Jews' recovered sovereignty was a living reality. Thereby proof was given that the rebels' cause was not yet lost. Considered from this aspect, the vast production of coins in these years of war becomes comprehensible.

4. THE CHRONOLOGY OF THE COINAGE

That the minter combined separate dies of the Eleazar series with each other and also with dies from other series of roughly the same diameter, that one die is thus linked with another, creating the aforementioned "system" of dies, is clearly demonstrated on Plate 1. The limited scope of the present study and the material available do not permit the precise establishing of the order of coinage on correct numismatic, epigraphic, and stylistic lines. The provisional results may, however, be set forth as follows.

This writer first investigated the obverse die G 1, with its delicate balance of pictorial design and script, and came across a remarkable set of facts, which may be made clear

[37] This well-established interlinking die system is very long and includes the comprehensive series of the denars (with the sole exception of very few, characteristically doubtful specimens) and the common small bronzes. Only the most important first branches and main links are shown on the accompanying plate.

through the following sketch, the accompanying Plate 1, and the illustration on Plate 2.

a) This die, G 1, belongs to by far the greatest number of all *Eleazar* coins. Indeed, it is their distinguishing mark (Plate 1, Nos. 1-4, 8, 9).

b) On the Eleazar bronzes it is combined with no less than four different reverse dies, the epigraphically so irregular E 1, E 2, E 3, and E 4.

c) At the same time, however, the die could also serve for the *Jerusalem* bronze coinage, and this clearly was not very early the case (cf. the die-condition of G 1 on the few pieces known so far), (Plate 1, No. 15). This assumption is also supported by the fact that the reverse die, with which G 1 is here combined, was further used for the "Jerusalem" bronze coinage of the *second* coinage period (Plate 1, No. 16). In fact, the minter had all these dies at hand and combined them in all possible ways, without much concern for the inscriptions (dates and "issuing authorities"), whereby the symbols gave him the main guidance in his work.

d) The die G 1 was also employed for the Eleazar denars and this at a time (with the advanced wearing-out of the die) when it had already become a veteran of the bronze coinage (Plate 1, Nos. 8, 9). The Eleazar series was thus begun by the rebels not in silver, but in bronze. At this later time, towards the end of the first period of coinage, and for the small silver coins, the die G 1 had finally to be eliminated. It was replaced by a very similar and still quite pleasing successor (G 1a), which is, however, unmistakably an inferior copy: the grape-cluster is clumsier and of cruder design, the leaf (smaller, and now with three points) hardly looks like a vine-leaf any longer, and the vine-stem is flat and no longer joined to the border of dots. In the inscription, the Lamed is striking with its sharp point, and so is the last letter, the Resh, the top of which is half cut off by the stem of the vine. This copy, now, seems to have been used only in the silver coinage. One can see it as the obverse of the best-preserved Eleazar denar (Plate 1, No. 7), and of the strange, so-called hybrid coin (Plate 1, No. 14), with its *two* "date inscriptions," which in any other ancient coinage would be

incompatible with each other: "Year One of the Redemption of Israel" and "Year 2 of the Freedom of Israel." If one considers, however, how manifold the die combinations of the Jewish rebellion coinage are in general, that the term "year" must have comprehended even as much as a whole main coinage-period, and that such temporary overlapping is to be taken for granted, then one may readily understand the existence of such coins. One need not then resort to postulating purely accidental "hybrid" mintings, which in fact are by no means so unusual.

e) This is further confirmed by the fact that the die G 1, at the end of its long service, was combined with a "date" inscription for the second coinage period (Plate 1, No. 13). This was probably the last case in which G 1 was employed. It would not be surprising if it were found elsewhere, just as it cannot be excluded that Eleazar denars of the other coinage-periods may still appear.

Since all four existing reverse dies of the bronzes, with their epigraphically sharply differentiated legends, have solely the die G 1 as obverse, useful indications for establishing the sequence of minting should be obtained from observing the gradual changes in the condition of these dies. One might thus expect the obvious result that in each case a new die was sunk for the reverse and employed only when its predecessor, owing to the disproportionately larger demands made on it in the course of minting—compared with the obverse die—became first unsightly and then unusable. But our findings run contrary to this expectation: It was not the case that E 1 was engraved and used in striking right at the beginning of the first period of the coinage, and E 4 appeared at the very end of this "Year One of the Redemption of Israel." Rather, after careful comparison of the available material, the writer considers the assumption justified, that all four dies for the bronzes E 1, E 2, E 3, E 4 were produced at the beginning of the Eleazar rebellion coinage and, moreover, in close succession to each other. Indeed, it must have been inexperienced die-sinkers, by no means fully acquainted with the old Hebraic script, who early engraved these dies with the long and difficult legends as a series of trial pieces.

This explanation is supported not only by the astonishing frequency of irregular phenomena in the E dies, but also the fact that the most regular and legible die, E 4, was the one most often used up to the latest possible moment. In fact, the only Eleazar bronze so far known from the second coinage period (Plate 1, No. 5) was struck from this same die, which then was already much worn. It is just this, namely, the most regular die, E 4, which in the third and last main coinage period, was copied quite closely, although superficially (Plate 1, No. 6), when Eleazar coins had to be struck. One has only to investigate the condition of the opposite die, G 3 (see Plate 1, Nos. 6, 18, 19), to know that this occurred very late indeed.

Let us return, however, for a short while to the first period of coinage. How and when the E dies were engraved, has been established to some degree. What was, however, the order of minting of the Eleazar coins? The "interlinking die system" and observation of the wearing-out of the dies clearly show that, as far as the bronzes are concerned, the issues of the last period "To the Freedom of Jerusalem" followed those of the "Year 2 of the Freedom of Israel," and these in turn followed the first period "Year One of the Redemption of Israel."

The Eleazar denars were struck after these four groups of the bronzes from the "Year One." The mint, however, employed the four Eleazar dies simultaneously for a certain time in the middle of the first period of coinage. The very first coins were perhaps struck from the die with the "scattered" inscription, E 3, very shortly after that minting was begun from E 1, also; then a little later E 2 was employed as well. But individual pieces were also struck from die E 4 quite early. The last-mentioned, the clearest of the dies, finally held the field up to the end of the first coinage period.

The scanty material available will hardly permit any decisive judgment on the order of minting (the relative chronology) for the Eleazar denars. All one can say now is that the piece shown as No. 8 on Plate 1, is an early issue.

5. THE DATE OF THE REBELLION

The early dating of the Bar Kochba Rebellion has been derived from numismatic[38] as well as literary[39] evidence. This erroneous assumption of some scholars might have been avoided by a more precise analysis of the historical context, a far more comprehensive investigation of the overstrikes, and a more critical attitude toward the literary tradition. In any case, the existence of so many undoubtedly *late* coins of Hadrian, overstruck by the Jewish rebels, establishes the more usual late dating, 132-135 C.E., as highly probable. The writer has been able to identify several of such late "underlying," i.e., overstruck, coins of Hadrian, and hopes to publish an essay on overstrikes, giving the definitive date 132 C.E. as the *terminus post quem.* On the Eleazar series it was so far not possible to establish with certainty any such clear traces. Yet new material may bring forth some evidence on this point, too.

6. THE TECHNIQUE OF MINTING

The rebels' mint did not cast blanks of its own, but prepared foreign coins of diameters varying within certain limits as the basis of its coinage. Thus the Eleazar coins outwardly do not give the impression of a uniform and finished coinage. It is not surprising, therefore, that the flan is often of a wider diameter than the usual standard-size die. There are also several badly centered pieces known. The "basic" coins of the Eleazar coinage were, however, carefully worked over beforehand, and the striking itself was executed with equal care. Just as in the case of the die-engraving, so also the whole process of minting was not hastily carried out as became finally unavoidable at the end of the rebellion coinage in the desperate conditions of the collapse.

[38] Thus, quite decidedly, L. Hamburger, *op. cit.*, p 288-303, on the basis of the few early Hadrianic denars then known to him.

[39] See also M. Auerbach, *Zur Politischen Geschichte der Juden unter Kaiser Hadrian* (Berlin-Vienna, 1924), p. 325; cf. Paul L Strack, *Untersuchungen zur römischen Reichsprägung*, II (Stuttgart, 1933), p. 132, n 293.

III

Conclusions

1. sovereign coinage

The coinage of the Maccabees and the Herods had been an autonomous coinage;[40] they never struck in silver. A silver coinage by virtue of their own right was carried out by the Jews only in the two short periods in which they were truly independent and fully sovereign, namely, during the first and second Jewish wars of independence. The coinage itself was on both occasions the most conspicuous expression of national existence, and was intended as such.

In the Bar Kochba Rebellion, the rebel organization created one comprehensive and yet unified silver and bronze coinage. This coinage was in two respects threefold: There is a "Jerusalem," a "Simon," and an "Eleazar" coinage; all three have issues in both metals, as has been demonstrated above regarding the Eleazar denars. It is, however, not a question of "issuing authorities" in the usual sense, and far-reaching conclusions from the names alone may contradict the numismatic evidence. Eleazar was probably a legitimate authority of the time, not, however, a leader in the Rebellion next, or in opposition, to Bar Kochba. His name and title of "Priest" would, then, have merely a symbolic significance for the cause of the rebels.

The coinage as a whole is subdivided into three main coinage periods, the "Year One of the Redemption of Israel," "Year 2 of the Freedom of Israel," and "To the Freedom of Jerusalem." In all three periods "Jerusalem," "Simon," and "Eleazar" coins were issued.[41] The "interlinking

[40] Macc, 15,2-9. Antiochus VII Sidetes had to grant Simon Maccabaeus autonomy of *local* coinage, which subsequently included only coins of Simon Maccabaeus' successors in *bronze*. This right of coinage was a derivative and restricted right. The rebels' coinage in silver and bronze was produced by virtue of a sovereign right of their own.

[41] There should then be in each coinage, silver and bronze, three times three, that is, nine, or, altogether, eighteen groups. More groups can be counted if one refuses to identify "Simon, Nasi of Israel," "Simon" and "SiME(on)." The multiplicity would be even greater, if one should think of a gold coinage. The

die system" and the appearance of many emergency issues only in the third period confirm the assumption that the three periods roughly succeed each other in time.[42]

2. REBELLION COINAGE

The whole coinage could come into being only as a result of the rising of the Jews against the Imperium Romanum. It is to be understood in the light of this fundamental consideration.

For the production of blanks of their own two preconditions would have been necessary: sufficient time and the execution of a complete technical process. But why should

rebels would not have shrunk from overstriking foreign gold coins, as far as they had any or did not need them for more important purposes than as currency. According to the material available to the author, specimens for 14 of these 18 groups can be identified with certainty. New numismatic evidence may well make this picture still more complete. At present the coinage in its entirety allows to make the following subdivisions:

Metal: / *Periods of coinage:*	*Silver (AR)* I	II	III	*Bronze (AE)* I	II	III	
"JERUSALEM"	T	T		LB	LB		5
				SB	SB	SB	
"SIMEON" + "Nasi of Israel"				LB			
				MB	MB		
5 letters		T	T		LB		
		D	D	MB	MB	MB	5
						SB	
3 letters		D		MB	MB	MB	
"ELEAZAR THE PRIEST"	D			SB	SB	SB	4
							14

ABBREVIATIONS

T = Tetradrachmon
D = Denarius
LB = Large Bronze
MB = Middle Bronze
SB = Small Bronze

[42] Particularly instructive for establishing the precise order of minting is the comparison of the respective condition of the dies of the so-called "hybrid" specimens which are no rarities.

the rebels have taken so much trouble upon themselves when long-current foreign, especially Roman,[43] coins were at hand or had been captured as booty? These could be easily overstruck. This very overstriking was also deliberately adopted.

The interlinking die system shows that all Eleazar coins, as well as the other, closely-connected "Jerusalem" and "Simon" series, must have been produced by one and the same mint. The minting must have taken place wherever the rebel organization, which exercised the authority to mint coins, happened to be at any time. And the very fact of this single interlinking die system makes it likely that the coinage was managed by an organization, in fact the governmental organization of the rebels, which throughout all three periods had the power to coin.

The conditions during the Bar Kochba Rebellion and its nature explain not only the vast quantity of overstrikes, but also the many epigraphic irregularities, the most typical being the "Eleazar the Priest" legend. The Eleazar bronzes of the first coinage period came into existence very early, certainly before the Eleazar denars. In this beginning of their coinage, which probably coincided roughly with the early days of the uprising, the rebels already wanted to see the old Hebraic script on their coins. But for this script at most only a few copies or examples were at hand, and it had not yet been mastered by the die-engravers of the Eleazar coins, who were mere beginners in the trade.

3. COINAGE AS PROCLAMATION

The Jewish rebels must have realized to what a mighty instrument of policy the ancient coinage of the Romans had by then developed. They turned this instrument in their own way against the Roman Empire, from whose iron fetters they hoped to free themselves. Quite deliberately, they *erased*

[43] Clear traces can be found of restrikes of products of the mint of Rome, of the provincial mints, of smaller autonomous mints, and even of Hellenistic series.

the pattern on the original Roman coins by hammering,[44] by overstriking, and often by the removal by file of any traces which had still remained. This practice resulted from technical, religious, and above all, political considerations. On the products of their own characteristically plentiful and manifold coinage they announced their recovered national existence through the forceful language of their symbols and through the ancient script, as well as the meaning of their legends.

For the men of the Bar Kochba Rebellion their coins were a solemn proclamation of their endeavors. This is the meaning of all their coinage, not least of the noteworthy Eleazar coins.

[44] The edges of the coins offer eloquent testimony to this work. Most impressive is the denarius published by G. F. Hill (BMC, Palestine, p. 288, No. 1, Pl. XXX, 4) which was hammered into the right condition, but not yet overstruck.

APPENDIX

Explanations to Plate 1

The System of Interlinking Dies

A. THE ELEAZAR COINS

NO. 1, AE.

Obverse: G 1.
Type: Bunch of grapes with one small, chased leaf to l. on a curved, cut branch.
Inscr.: "Year One of the Redemption of Israel."
Reverse: E 1.
Type: Palm tree with erect top, one bunch of three small fruits l.
Inscr.: "Eleazar the Priest" (mirror-writing, retrograde).
16 specimens examined:

1. Coll. Reifenberg, *Ancient Jewish Coins* (2nd ed.), Pl. XIV, 189a. (*Plate*)

2-5. London. 4 spec.: BMC, Palestine, p. 302, 3-6 (3 spec. from Coll. Hamburger).

6,7. Paris. 2 spec.: 333, 4.9 gr., large flan; 334, 6.5 gr., reverse worn.

8. Vatican. Coll. "Feu Grégoire," donated in 1932; 43, 5.0 gr., 18 mm.

9. Glasgow. Hunter Coll., small flan, 16 mm.

10. Coll. Hecht. 5, 1 gr., 17 mm.

11. Cat. Naville XV, 1119=Cat. Baranovski IV, 1931, 767=Cat. Ratto, Monete Ebraiche, 1931-1932, 84. Cast in Berlin.

12. Cat. L. Hamburger 96, 25. X. 1932, 5.67 gr., 18 mm.

13. Cat. Ratto, *Monete Ebraiche* (1931-1932), 85, large oval flan, 20 x 16 mm.

14. Cat. L. Hamburger, 16. 12. 1907, 545.

15. For sale in 1947, Münzen und Medaillen A. G., Basel, 5.99 gr., 20 mm.

16. Coll. Reifenberg, new acquisition in 1948, 17 mm.

NO. 2, AE.

Obverse: G 1.

Type: as above.

Inscr.: as above.

Reverse: E 2.

Type: Palm tree with top inclined to l., two bunches of three very small fruits.

Inscr.: "Eleazar the Priest" (mirror-writing, retrogade, var.).

10 specimens examined:

1. Jerusalem, Hebrew University, 3494, 18 mm. *(Plate)*

2,3. London. 2 spec.: BMC, p. 302, 7 and 8 (No. 8 with traces of overstrike).

4: Vatican, Coll. "Feu Grégoire," 42, 4.70 gr., 18 mm.

5-7. Paris. 2 spec.: 538 Inv. Vogüé, 6.5 gr.; 332, 6.1 gr.; 334.

8. Coll. Rogers, *A Handy Guide*, 95, p. 89, Pl. V, 1.

9. Cat. Sotheby, 19. I. 1914, 302.

10. Cat. Cahn 60, 2. VII. 1928, 1103, very fine spec. on large flan, 22.5 mm.

NO. 3, AE.

Obverse: G 1.

Type: as above.

Inscr.: as above.

Reverse: E 3.

Type: Palm tree with trunk stout up to the top, two bunches of three large fruits.

Inscr.: "Eleazar the Priest" (scattered legend).

9 specimens examined:

1. Cat. Egger XLV, 12. XI. 1913, 786, 7.22 gr., 19 mm. Cast in Berlin. Early, very fine coin. (*Plate*)

2. Paris. 1839, 4.6 gr., 16 mm. Early, fine specimen.

3. Coll. Reifenberg, *Ancient Jewish Coins* (2nd ed.), 189, 17 mm. Very early and excellent specimen.

4. Coll. Werner. 21 mm. Fine reverse. Very large flan.

5. Cat. L. Hamburger 96, 25. X. 1932, 191, 6.32 gr., 19 mm.

6. Cat. Cahn 68, 26. XI. 1930, 1671 (erroneously described as an Eleazar coin of year 2), 19 mm.

7. For sale in 1947, Adolph Hess A. G., Luzern, 19 mm.

8. Cat. Cahn 66, 6. VI. 1930, 420=Cat. H. Seligmann, VI, 1. IX. 1930, 1039. Very large flan, 21, 1 mm. Worn.

9. Jerusalem, Hebrew University, 3703, 18 mm.

NO. 4, AE.

Obverse: G 1.

Type: as above.

Inscr.: as above.

Reverse: E 4.

Type: Palm tree, high trunk, top a little to l., two bunches of very large fruits.

Inscr.: "Eleazar the Priest" (usual script, but last letter Nun in the second line, to the right of trunk).

16 specimens examined:

1. Jerusalem, Hebrew University, 675, 18 mm. Very fine reverse. (*Plate*)

2,3. London. 2 spec.: BMC, Palestine, p. 302, 1. and 2.

4. Jerusalem, Bezalel National Museum: M. Narkiss, *Coins of Palestine*, I, Pl. VII, 2. Early and very fine specimen.

5,6. Coll. Hecht. 2 spec.: 5.9 gr., 17 mm. 4.5 gr., 16 mm.

7,8. Vienna. 2 spec. Both on oval flan, one worn.

9. Vatican. Coll. "Feu Grégoire," 41, 6.30 gr., 18 mm.

10. Coll. Klagsbald. Early specimen, 17 mm.

11. For sale at Münzen und Medaillen A. G. Basel, in 1948/1949 (=Cat. Naville XV, 1118=Cat. Ratto, *Mon. Ebr.*, 83). Cast in Berlin. 5.6 gr., 18 mm.

12. Cat. Ratto, *Monn. Grecques* (1926), 2687 (= Cat. Baranovski IV, 766=Cat. Ratto, *Mon. Ebr.*, 82), 19 mm.

13. Cat. Cahn 66, 6. VI. 1930, 421, 19.5 mm.

14. Cat. Cahn 71, 620, 5.65 gr., 18 mm.

15. Cat. Münzhandlung Basel 4, 1935, 905, 18.07 mm., 6.09 gr.

16. Berlin. Coll. Prokesch: Merzbacher, *Zeitschrift für Numismatik* (Berlin 1876/1877), p. 350 s. (woodcut).

NO. 5, AE.

Obverse: G 2.

Type: Bunch of grapes with small, circular leaf l. and thin tendril r. on a straight cut branch.

Inscr.: "Y [ear] 2 of the Freedom of Israel" (beginning with second letter left of stem).

Reverse: E 4.

Type: as above.

Inscr.: as above.

1 specimen examined:

1. Jerusalem, The Palestine Museum: C. L[ambert], *The Quarterly of the Department of Antiquities in Palestine*, I, No. 2 (London/Jerusalem, 1931), p. 71, Pl. XXXVII, 8. (*Plate*)

NO. 6, AE.

Obverse: G 3.

Type: Bunch of grapes, no leaf, waved tendril to r., long stem.

Inscr.: "To the Freedom of Jerusalem."

Reverse: E 4a.

Type: as E 4, only first branch r. lower.

Inscr.: as E 4, but form of all letters slightly altered.

6 specimens examined:

1. Jerusalem, Hebrew University, 642, 19 mm. (*Plate*)
2. Coll. Reifenberg, *Ancient Jewish Coins* (2nd ed.), 203. Large flan with edge hammered-up before overstriking.
3. London, British Museum, acquired in 1927, 6.04 gr.
4. Paris. Inv. Vogüé 537, 5.70 gr.
5. Coll. Rogers, *A Handy Guide*, Pl. V, 2; 3542 grain = 2.3 gr. Very light weight; for the flan is small and the upper part of obverse filed off.
6. Coll. Rogers, *A Handy Guide*, p. 56, n. 1.

NO. 7, AR.

Obverse: G 1.

Type: as above Nos. 1-4.

Inscr.: as above Nos. 1-4.

Reverse: E 5.

Type: One-handled jug with lip to r., small straight palm branch r.

Inscr.: "Eleazar the Priest" (only two letters [2. and 4.] retrograde).

1 specimen examined:

1. Cat. L. Hamburger, 16. XII. 1907, 544. (*Plate*)

NO. 8, AR.

Obverse: G 1.

Reverse: E 5.

From same dies as No. 7: the worn, pierced Paris specimen, described first by De Vogüé, *Revue Numismatique* (1860), p. 290 s.

1. Paris. Inv. Vogüé 536, 2.20 gr. (weight much reduced). (*Plate*)

NO. 9, AR.

Obverse: G 1 a.

Type: very similar to G 1, but smaller and less chased leaf to l., cut branch less curved and not joining the border of dots.

Inscr.: as G 1, but with more acute-angled form of the letter Lamed; the last letter Resh still closer to the stem.

Reverse: E 5.

Type: as above Nos. 7 and 8.

Inscr.: as above Nos. 7 and 8.

1 specimen examined:

1. Vatican. Coll. "Feu Grégoire," 10, 3.20 gr., 18 mm. (remaining outline of back of emperor's [Vespasianus?] head, laureate, and four letters). (*Plate*)

B. THE SIMON/ELEAZAR COINS

NO. 10, AR.

Obverse: S.

Type: Wreath placed around eight olives, fifth link above empty, not closed below.

Inscr.: The first three of the five letters of the name, Simon, within the olive-wreath and in a triangular arrangement around a dot.

Reverse: E 5.

Type and inscription as above Nos. 7-9.

1. Paris. 551: 18 mm., pierced (cast after an authentic coin?). (*Plate*)

(From the same dies: Vatican, 11; London: BMC, Palestine, p. 288, No. 2).

NO. 11, AR.

Obverse: S.

Type and inscription as above No. 10.

Reverse: E 5a.

Type: Smaller jug, very fine style.

Inscr.: as E 5, but all letters smaller and thinner.

1. *Paris.* 1837, 320 gr. Superb specimen. (*Plate*)

(From the same dies: the London overstruck specimen, BMC, Palestine, p. 288, No. 3).

NO. 12, AR.

Obverse: S a.
Type: Similar to S (Nos. 10-11), but no dot in center and altered ends of wreath.
Inscr.: very similar to S.
Reverse: E 5 b.
Type: Large jug, palm branch more inclined.
Inscr.: Large letters, differently placed in circle.

1. Coll. Reifenberg, *Ancient Jewish Coins* (2nd. ed.), 169. Superb specimen. (*Plate*)

C. INTERLINKING COINS OF OTHER SERIES

NO. 13, AR.

Obverse: G 1.
Type: as above Nos. 1-4, 7, 8.
Inscr.: as above Nos. 1-4, 7, 8: "Year One of the Redemption of Israel."
Reverse: L.
Type: Lyre with three strings.
Inscr.: "Y[ear] 2 of the Free [dom] of Israel" (three abbreviations).

1. London. BMC, Palestine, p. 289, No. 5 (pierced). (*Plate*)

NO. 14, AR.

Obverse: G 1a.
Type: as above No. 9.
Inscr.: as above No. 9: "Year One of the Redemption of Israel."
Reverse: P.
Type: Palm branch straight.

1. Vatican. Coll. "Feu Grégoire," 12, 3.30 gr. Very fine specimen.

Inscr.: "Y[ear] 2 of the Free [dom] of Israel" (three abbreviations). (*Plate*)

(From the same dies: the London specimen; BMC, Palestine, p. 289, No. 4).

NO. 15, AE.

Obverse: G 1.
Type: as above 1-4, 7, 8, 13.
Inscr.: as above 1-4, 7, 8, 13.

Reverse: J 1.

Type: Palm tree with erect top, two bunches of fruits.
Inscr.: "Jerusalem."

1. Cat. L. Hamburger 1914. Cast in Berlin (*Plate*)

(From same dies: Coll. Reifenberg, *Ancient Jewish Coins*, 2nd ed., Pl. XIV, 195).

NO. 16, AE.

Obverse: G 2.
Type: as above No. 5.
Inscr.: as above No. 5: "Y[ear] 2 of the Free [dom] of Israel."
Reverse: J 2.
Type: very similar to J 1.
Inscr.: as J 1, but form of letter Shin acute-angled instead of round.

1. Cat. Naville XV, 1127. Cast in Berlin. (*Plate*)

NO. 17, AE.

Obverse: G 3.
Type: as above No. 6.
Inscr.: as above No. 6: "To the Freedom of Jerusal[em]."
Reverse: J 2.
Type: as above No. 16.
Inscr.: as above No. 16: "Jerusalem."

1. Cat. Egger, 7.1. 1908, 679. (*Plate*)

(Many other specimens from the same dies, or from the same obverse die and different reverse dies are known).

NO. 18, AE.

Obverse: G 3.
Type: as above Nos. 6 and 17.
Inscr.: as above Nos. 6 and 17: "To the Freedom of Jerusal[em]."
Reverse: S b.
Type: Palm tree with top inclined to r., two bunches of fruits.
Inscr.: Simon.

1. Cat. Cahn 60, 2. VII. 1928, 1101. Early and fine specimen. (*Plate*)

[In the spring of 1947, the author started anew collecting material of the above described kinds. He would greatly appreciate receiving casts and photographs of specimens unknown to him.]

BOOK REVIEWS

History of Anti-Semitism

THE ABUSE OF LEARNING: THE FAILURE OF THE GERMAN UNIVERSITY. By *Frederic Lilge.* The Macmillan Company. New York, 1948. VI+184 pp.

WHEN booted brownshirts raised their swastikas over the once proud halls of the German universities in 1933, they encountered little or no resistance. The German universities and German scholars capitulated quickly and became a tool of the Nazi state. In his Rector's address at the reopening of the University of Marburg in 1945 Professor Julius Ebbinghaus stated: "The German universities failed, while there was still time to oppose publicly with all their power the destruction of *Wissenschaft* and of the democratic state. They failed to keep the beacon of freedom and right burning during the night of tyranny so that it could be seen by the entire world. . . . Germany has literally sacrificed her existence to the madness of her rulers and the blindness of her masses."

In six interesting chapters of *geistesgeschichtliche* analysis, the author examines and exposes the causes that undermined the once outstanding body of representatives of German learning. The views of a few leading scholars, such as Wilhelm von Humboldt, the embodiment of German humanism; Fichte and Schelling, the protagonists of a new idealist philosophy of education; Helmholtz, Haeckel, and Ostwald, founders of the "idolatry of science" are described and searchingly analyzed. This trend of educational development was attacked by such critics as Nietzsche, Burckhardt, and Stefan George. Max Weber and Max Scheler raised their voices in vain. When in the late eighteenth century the German universities rebelled against state domination, they dedicated themselves to the search for truth in the service of humanity. In 1933, they were unable to resist or fight National Socialism. "The annual conference of the Association of the German Universities could have issued a manifesto tantamount to an expression of non-confidence in National Socialism. In 1932, and still in 1933, such united action would have strengthened the courage to resist among the rank and file of professors. It might even have helped to create a broader front of resistance since the universities still enjoyed great intellectual prestige. But the critical moment passed without any action. . . . What followed then is well known: mass dismissals of racially and politically undesirable professors, and 'political' appointments and promotions; academic self-government was lost; books were burned; and

compulsory courses on 'national defense' and 'racial science' were introduced" (p. 164).

Lilge's study is historically thorough, ideologically revealing and provocative. It is however too much restricted in its scope. Academic ("scholarly") anti-Semitism and racialism have been given little or no attention. Their penetration into all fields of research in Germany from the days of Eugen Dühring, Paul de Laguarde, and Julius Wellhausen up to the numerous adversaries of Albert Einstein offers—no doubt—a very worth-while and challenging subject for scholarly inquiry. Some studies have already been made on the misuse of research institutions and methods for the purposes of political propaganda in Hitler's Germany. But the refined infiltration of the Nazi spirit into all realms of German scholarship, which began at least six decades before Hitler's access to power, has not yet been made the object of detailed study. It remained practically untouched, too, in Lilge's meritorious book. Such a study, or better, such individual and specialized studies for the various fields of scholarly research are badly needed, however. They will unfailingly reveal the secret history and devilish power of the most dangerous and long secret political weapon of Nazidom—anti-Semitism.

Jewish Institute of Religion GUIDO KISCH

AMERICAN JEWISH HISTORY

TOURO SYNAGOGUE OF CONGREGATION JESHUAT ISRAEL NEWPORT, RHODE ISLAND, FOUNDED 1658. Published by The Society of Friends of Touro Synagogue, National Historic Shrine, Inc. Remington Ward. Newport, R. I., 1948. 55 pp. 4°.

THIS handsome brochure is, in effect, a printed introduction and guidebook to the Touro Synagogue in Newport, R. I., the oldest synagogue in the United States and since 1946 a national historic shrine. It is, as well, a building rich in historical associations. It was here that the Rhode Island General Assembly met and the State Supreme Court held sessions; it was in answer to an address from this congregation that Washington wrote his now famous letter on freedom of belief. It is, moreover, "one of the most perfect works in colonial architecture," as Fiske Kimball says, and "well worthy of its status as a National Monument."

Since it is so modest in its aims, this handbook can, unfortunately, only touch on the people and happenings which involved this house of worship. David de Sola Pool brushes in lightly the history of the congregation from the coming of the Spanish-Portuguese Jews to Newport, the founding and building of the synagogue, the precarious days during the War for Independence and the virtual disappearance of the Jewish community. It is an odd fact that although the Jewish congregation came and went and that often there were not enough worshipers to warrant

opening the doors, the building itself retained its identity as a Sephardic synagogue for almost two centuries.

There is a highly summarized life of Peter Harrison, amateur architect, designer of the building, who worked without pay and usually from books but who had "a rare sense of proportion and harmony." The most fascinating item of the ten short sections that make up the booklet is an all too brief account of Judah Touro, who flourished in the first half of the nineteenth century, a remarkable man of remarkable achievements. Finally there are photographs, again all too few, of the outside and inside of the building, revealing that combination of simplicity and richness that gives this colonial synagogue its distinction.

The New York Times Book Review THOMAS LASK

AN ILLUMINATED PASSOVER HAGGADAH

הגדה של פסח THE PESSACH HAGGADAH. Illuminated by *Kafra.* The Illustrated Hebrew Manuscript Reproduced with an English Translation by *Isaac Edward Kiev.* Feldheim Publisher. New York, 1949. 56 unnumbered and 32 pp. 4°.

THIS is a new edition of the time-honored Passover Haggadah in a new artistic form. In the course of the past centuries numerous Jewish artists devoted their talents to Haggadah illumination. Some of the beautifully illustrated Haggadah manuscripts have been published, for instance, the Sarajewo Haggadah (Müller-Schlosser, 1898), and the Darmstädter Haggadah (Bruno Italiener, 1927). Many others have not yet been made available in print and are found in manuscript form in German and American libraries (Jewish Theological Seminary of America, Hebrew Union College) or in private possession (for instance, the Haggadah of the Geldern family of Düsseldorf [1723], which made a deep impression on the most famous scion of that family, Heinrich Heine). Further must be mentioned the illustrated Haggadah editions of Prague (1526/27), Venice (1629), and Amsterdam (1695). Recently a young New York artist, Kafra, transcribed the old traditional Haggadah in the form of a medieval fifteenth-century manuscript and illuminated it. For Kafra's writing style the letters as designed in the medieval Bible- and Pentateuch-manuscripts served as a model. The illustrations are mainly ornamental; but Kafra has also drawn numerous miniatures. His initials, through their luminous colors, remind one of the Haggadah manuscripts of Spain, the pictures in the text, of those of France, Germany, and Italy from the fourteenth and fifteenth centuries. The illuminations consist mostly of single figures placed on the left and right margins of the pages, whereas pictures with several figures appear on their large bottom spaces. Though Kafra has kept up a traditional style in his pictures, he nevertheless goes his own way. He employs for instance

the tabernacle (in the Gothic style), which is a favorite decoration of the German Haggadah; but how different are the figures shown in his representation of שפוך חמתך in comparison with the corresponding illumination in the Darmstädter Haggadah. He, too, drew the traditional pictures of the four sons, but he has employed a special modification: the son who does not know how to inquire stands beside an adult, who is giving him instruction. Kafra's miniatures intend to combine the old and the new. Most of the Jews painted by him wear the medieval "Jewish hat," the symbol of ignominious degradation, most of the women are garbed in the costumes of the Carpathian lands. A supplementary booklet, which is loosely appended to Kafra's Haggadah, repeats the Hebrew text and contains the same pictures in black and white in addition to an excellent English translation and introduction by Isaac Edward Kiev. Among the many Haggadah editions published in the United States, Kafra's new Passover Haggadah occupies a special place. To the best of the reviewer's knowledge, it is the first artistic attempt in America at continuing the tradition of the handwritten and illuminated Haggadahs of the Middle Ages. It is not only well adapted to deepen the love for the spiritual treasures of Judaism but also to further Jewish artistic activities. The publisher, Philip Feldheim of New York, has earned a great merit for himself by this publication which is also exemplary in its technical execution.

New York City ADOLF KOBER

NECROLOGUE

TOBIAS JAKOBOVITS

1887 - 1944

ONLY recently the brutal murder of a fine Jewish scholar in the gas chambers of Osviecim has been reported who possibly would have become the historian of the ancient ghetto of the Bohemian capital, had destiny permitted him to complete his researches. It is Tobias Jakobovits, teacher of religion and librarian of the Jewish community in Prague for twenty-two years.

Born on November 12, 1887, in Lackenbach, then Hungary and later Burgenland, as a descendant of an old rabbinical family, Tobias Jakobovits attended the yeshivot in Deutsch-Kreuz and Steinamanger and later studied at the famous talmudic academy at Pressburg, where he obtained his rabbinical ordination. Thereafter, his Jewish studies were supplemented through a thorough philosophical and historical education at the German University of Prague, from which he received his Ph.D. The duties of teaching at high schools and at the Talmud Torah of the Jewish Community of Prague required practically Jakobovits' full time.

Nevertheless, he devoted the evenings and Sundays to the care of the library of the Jewish Community, which occupied with its treasures of manuscripts, old prints, and other collections spacious quarters in the Jewish Town Hall in the Meysel Street of Prague. Jewish and non-Jewish visitors, students as well as scholars, found there an understanding guide and adviser, interested in their researches and always ready to give them assistance in an unselfish and unpretentious manner. Acknowledgments in numerous historical publications, particularly in the *Jahrbuch der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik,* are evidence of Jakobovits' activities as librarian of the most important Jewish library of Czechoslovakia.

What is more, Jakobovits enriched the history of the ancient community which he served. He knew the Hebrew as well as German- and Czech-language sources and devoted his special attention to the study of the seventeenth and eighteenth centuries. Numerous individual traits of the local history of the Jewish communities of Prague, Kolin, Nachod, and Česká Skalice were brought to light through his researches, which centered in the communal development, in the history of the rabbinate and some of its great representatives. His studies of the Jewish badge in Bohemia and of the Jewish craftsmen guilds of Prague will remain lasting contributions to the cultural and economic history of Bohemian Jewry. Jakobovits also described the origin and growth of the library which he administered so well and with such deep devotion.

It was the same devotion that also marked the tragic role Jakobovits had to play in the period of the destruction of Bohemian Jewry by Nazi barbarism. Shortly after the "Protectorate" of Bohemia and Moravia had come into existence, the Germans assembled in Prague all Jewish books, Torah scrolls, and sacred objects used for divine services and ritual practices from the numerous Jewish communities of the country. A great Jewish museum was to be created to serve anti-Semitic propaganda even after the annihilation of Czechoslovak Jewry. Together with Dr. Josef Polák, the former director of the Museum of Košice, Dr. Jakobovits was put in charge of the project.[1] They had both to submit to the orders of the German authorities, but hoped at least to be able to save the lives of their about two hundred Jewish assistants, besides the sacred objects of great cultural interest and value. They also thought that the catastrophe would pass and that some day these treasures of local Jewish history could be restored to their lawful owners. It was an illusion. After the completion of the work, Jakobovits with his fellow-workers and their families was deported, and in November 1944 killed in the death factory of Osviecim.

[1] Cf., J. Lion, "The Jewish Museum in Prague," "*Yedioth Chadashot*, June 21, 1946; Hana Volavková, *The Jewish Museum of Prague* (Prague, 1948), pp. 6f.

Tobias Jakobovits' Main Publications

JGJC = Jahrbuch der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik, ed. by Samuel Steinherz, 9 vols., Prague, 1929-1938.

1. Entstehungsgeschichte der Bibliothek der israelitischen Kultusgemeinde in Prag. Verlag der israel. Kultusgemeinde. Prague, 1927. 28 pp.
2. "Jüdisches Gemeindeleben in Kolin (1763 bis 1768)"; *JGJC*, I (1929), 332-368.
3. "Wer ist Abraham Aron Lichtenstadt?" *Monatsschrift für Geschichte und Wissenschaft des Judentums*, LXXIV (1930), 35-41.
4. "Die Judenabzeichen in Böhmen"; *JGJC*, III (1931), 145-184. Separate edition dedicated to Rabbi Salomon Jakobovits; 44 pp.
5. "Die Erlebnisse des Oberrabbiners Simon Spira-Wedeles in Prag (1640-1679)"; *JGJC*, IV (1932), 253-296. Separate edition dedicated to Dr. Markus and Rosa Petuchowski; same pagination.
6. "Das Prager und Böhmische Landesrabbinat Ende des siebzehnten und Anfang des achtzehnten Jahrhunderts"; *JGJC*, V (1933), 79-136.
7. "Die Erlebnisse des R. Berl Jeiteles als Primator der Prager Judenschaft"; *JGJC*, VII (1935), 421-436. Separate edition; 18 pp.
8. "Die jüdischen Zünfte in Prag"; *JGJC*, VIII (1936), 57-145.
9. "Die Brandkatastrophe in Nachod und die Austreibung der Juden aus Böhm. Skalitz (1663-1705)"; *JGJC*, IX (1938), 271-305.

Jewish Institute of Religion Guido Kisch

NOTICES OF RECENT PUBLICATIONS

Huntington Cairns, *Legal Philosophy from Plato to Hegel.* The Johns Hopkins Press. Baltimore, 1949. XV + 583 pp.

John Emerich E. Dalberg-Acton, *Essays on Freedom and Power.* Selected, and with an introduction by Gertrude Himmelfarb. The Beacon Press. Boston, Mass., 1948. LXVI + 452 pp.

M. Frankenhuis, *Westerbork and An Interview with Its Commander Gemmecke in* 1948. W. P. van Stockum en Zn. The Hague, 1948. 35 pp. and illustrations.

Lee M. Friedman, *Pilgrims in a New Land.* Jewish Publication Society of America. Philadelphia, 1948. XII + 471 pp.

Guido Kisch, *Jewry-Law in Medieval Germany: Laws and Court Decisions Concerning Jews.* "Texts and Studies," Vol. III. American Academy for Jewish Research. New York, 1949. XIV + 274 pp.

Guido Kisch, *In Search of Freedom: A History of American Jews from Czechoslovakia.* With a Preface by Jan Masaryk. Edward Goldston and Son. London (36, Upper Berkeley St., W. 1), 1949. XVI + 373 pp. and 16 illustrations.

Abraham S. Hershberg, *Pinkos Bialystok: The Chronicle of Bialystok.* Basic Material for the History of the Jews in Bialystok till the Period after the First World War. Vol. I. Bialystok Jewish Historical Association, Inc. New York (600 W. 218 St.), 1949. XXX + 480 pp. (Yiddish.)

Paul Lazarus, *Die jüdische Gemeinde Wiesbaden* 1918-1942: *Ein Erinnerungsbuch.* Small private edition. I. Kaufmann. New York, 1949. 36 pp.

James Parkes, *Judaism and Christianity.* The University of Chicago Press. Chicago, Ill., 1948. 222 pp.

Jacob Shatzky, *The History of the Jews in Warsaw.* Vol. II. Yiddish Scientific Institute. New York, 1948. 305 pp. (Yiddish.)

Herbert Arthur Strauss, *Staat, Bürger, Mensch: Die Debatten der deutschen Nationalversammlung* 1848-1849 *über die Grundrechte.* Verlag H. R. Sauerländer. Aarau, Switzerland, 1947. 136 pp.

I. F. Stone, *This Is Israel.* Boni and Gaer. New York, 1948. 128 pp. and over 100 photographs.

[Yivo], *Bibliography of the Writings of Elias Tcherikower.* Yiddish Scientific Institute. New York, 1948. 63 pp. (Yiddish.)

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Historia Judaica

THE CHURCH AND THE JEWS

By George LaPiana
Harvard University
Cambridge, Mass.

The First Millennium *

THE policy followed throughout the centuries by the Catholic Church toward the Jews was determined by theological and pseudo-historical premises which from the early period of Christianity were part of its normative tradition. According to this tradition:

1. The Jewish people, having willfully refused to recognize Jesus as the Christ and Savior foretold by the prophets and having crucified him, had been rejected and cursed by God.

2. As punishment for their crime God had caused the Jewish people to be driven away from their homeland and be dispersed among the nations, there to live in perpetual exile and in degrading servitude. This continued existence in a servile condition fulfilled the prophecies and was a living evidence of the divine character of Christianity.

3. God had also hardened their hearts so that they should remain obstinate in their infidelity, but the Jews living at the time of the final apocalyptic conflict would be converted and gathered into the fold of Christ. Their conversion would mark the imminence of the Last Judgement.

* The present essay was conceived and intended for the one-volume encyclopedia, *The Jews*, whose publication had to be postponed for some time. The essay appears here in its original version (it was written in November, 1948) by permission of the author and the editors of the encyclopedia.

These Christian beliefs grew out of the process by which Christianity emerged from its Jewish cradle as a new religion. The appropriation by the Church of the sacred Jewish books set the stage for the irreconcilable conflict of two opposite interpretations of the same divine revelation. The essential features of Christian-Jewish polemics of all times already appear in Justin Martyr's *Dialogue with Trypho.* The Gentiles called to the faith had taken the place of the rejected Jews. The identification of Jesus not only with the Anointed One foretold by the prophets, but also with the pre-existent Logos, instrument of divine revelation, who had manifested himself in the theophanies of the Old Testament, provided a new theological pattern of Christian historiography in which the Christian Church appeared to have virtually existed *ab aeterno* as the central point of God's plan in the universe. In this pattern of history, Judaism, the unfaithful epigone of the old religion of Israel, was assigned the part of the villain whose wilful resistance and sinful blindness to God's will became the means for the realization of God's plan: "We (Christians) received salvation from the blindness of the Jews," said Irenaeus. Commenting upon "their diabolic obstinacy in evil ways," he added that the Jews were so spiteful that "they would have destroyed the Scriptures by fire if they had known that we were going to use them" (*Contra Haereses,* III, 21, 1).

The idea that, according to the revelation of the Old Testament, Christianity was in existence *ante factum,* led the early Christian heresiologists to look upon Judaism as a heresy, that is, as a deviation from, and an adulteration of, the true revelation which was now in the possession of the Church. They listed the various Jewish sects and groups as peculiar varieties of the many heresies which infested the life of the Christian communities.

This classification of Judaism as a Christian or pre-Christian heresy did not pass from the realm of theology into that of law. The Christian emperors, who raised Christianity to the level of the state religion of the empire and who proscribed paganism as well as the heresies condemned by the Church, never attempted to proscribe Juda-

ism altogether. The old Roman juridical tradition which allowed the Jews to live according to their *mores patrii*, in which religion was of predominant importance, was too strongly rooted in Roman law and custom. The Church, however, could not tolerate the Jews enjoying the same rights and liberties as the Christians, and soon brought all the weight of its prestige and authority to obtain from the Christian emperors the imposition of drastic restrictions upon Jewish freedom. Beginning with Constantine (321) a series of imperial laws stripped the Jews of their common rights as citizens and forced upon them a special regime. Religious propaganda in any form was forbidden them under penalty of death. They were excluded from the army and from public office, they could not contract marriages with Christians and could not own Christian slaves or even employ Christian labor. These and other restrictions, as codified in Justinian's *Corpus Juris,* lowered the Jews to the condition of an inferior caste.

The Jews had never been popular with the Roman *plebs* who looked with scorn at their religious aloofness and their peculiar social and domestic traditions. When these masses were hastily Christianized they added to their old anti-Jewish prejudices the new Christian contempt of the Jews as a people cursed by God. From the middle of the fourth century, riots and mob attacks against Jews, often instigated by bishops and monks, became frequent in both the east and the west.

One famous case was the burning of the synagogue in Callinicum (388), a little town in Mesopotamia. Emperor Theodosius ordered those guilty of the crime to be punished and the synagogue rebuilt at the expense of the bishop, who was admittedly the instigator of the riot. But the Bishop of Milan, St. Ambrose, addressed to the emperor a fiery letter (*Ep.* XL) in which he justified the burning of the synagogue, "a haunt of infidels, a home of the impious, a hiding place of madmen under the damnation of God himself." To have the synagogue rebuilt at the expense of the bishop was a sacrilegious attempt against Christianity. On such a synagogue the Jews might well put the inscription: "Temple

of Impiety erected out of the spoils of the Christians." The mob's interference with public order was not, in this case, a crime because "the maintenance of civil law is secondary to religious interests." Finally Ambrose stated that, if necessary, he would suffer martyrdom for such a cause. Theodosius yielded, and rescinded his order. The precedent set by Ambrose, whose writings were so popular with preachers and moralists throughout the Middle Ages, could always be appealed to by zealots claiming impunity for their anti-Jewish criminal exploits.

Similar riots and burning of synagogues also occurred in Rome at that time and in the following century. There is no significant evidence concerning the general policy of the papacy with regard to the Jews until the time of Pope Gregory the Great (590-604). Pope Gregory held firmly that the Jews were to be allowed to practice their religion unmolested, and no less firmly that the laws restricting their liberties and rights were to be strictly enforced. "Just as the Jews must not be allowed freedom in their communities beyond the measure of what is permitted, neither must they suffer any vexation in their proper rights."

Gregory did not approve of the baptism of Jewish children without the consent of their parents, though St. Augustine (354-430), whose theology he usually followed, seemed inclined, in a general way, to justify such baptisms, remarking that Jesus had commanded the Apostles to go and baptize all people "not by the consent of their parents but by water and the Holy Ghost." Much less did Gregory approve the use of force in the conversion of the Jews. He preferred to offer them material advantages as an inducement to embrace Christianity. It was probably at this time that a prayer for the conversion of the Jews (*oratio pro perfidis Judaeis*) was introduced into the Christian liturgy. This prayer was recited in the liturgy of Holy Friday.

In the Romano-barbaric kingdoms which emerged from the disintegration of the western Roman Empire, the condition of the Jews in general became worse when the

rulers of those kingdoms were converted to Catholicism. In the Frankish Church the old restrictive laws against the Jews, concerning the ownership of Christian slaves, the holding of public office, and intermarriage, were newly enacted by various councils (Macon, 583, canon 13; Paris, 614-15, c. 17; Reims, 624-25, c. 11). In Visigothic Spain, after King Riccaredus' conversion (587), the bishops who gathered at the national councils of Toledo enacted severe laws against the Jews (Toledo, II, 589, c. 14). Still more stringent laws were promulgated by the Fourth Council of Toledo (633, cc. 59-66); and later, the Twelfth Council of Toledo (681, c. 9) virtually proscribed Judaism altogether by approving the twenty anti-Jewish laws of King Erwige, which forbade circumcision, keeping the Sabbath, discrimination in the matter of food, marriages without the benediction of a Catholic priest, and so on.

A similar ruthless attempt to force Jews into the Christian fold was made by the Byzantine government after its reconquest of Italy.

The conquest of Spain and Sicily by the Arabs reduced both the Christians and the Jews of those countries to a condition of political and social inferiority but left them freedom of religion. The obligation to wear a badge, which was originated by the Moslems in the east, was introduced into Sicily by Ibrahim (887-88) for both Christians and Jews.

At the beginning of the eighth century the popes were already in fact the rulers of Rome. By the Donation of Pippin, King of the Franks (754), the popes became temporal rulers of a large section of central Italy. There were many Jewish communities in these regions, prominent among them the Jewish community of Rome, which traced its origin to the time of the republic. After the popes became kings, the Jewish problem concerned them not only in their capacity as the supreme spiritual and religious authorities of the Church, but also more specifically and directly as the rulers of a state having many Jews among their subjects. In fact, however, the rule of the popes over Rome and the Papal States was firm and effective only at irregular intervals throughout almost the entire Middle Ages.

Nor did Christian rulers of European states always show any real disposition to accept and enforce papal degrees and decretals concerning either the Jews or other groups or institutions in their realms. Nevertheless, the prestige of the Church and the fear of and veneration for the spiritual power of the popes were so strong in medieval religious and social life that the rules and regulations laid down by the popes and their conduct toward the Jews had considerable influence on shaping the destiny of the Jewish people in Christian Europe.

In general, it may be stated that the popes held consistently to the principles so well defined by Gregory, but in their application each pope adopted such policies as were dictated by his temperament and convictions, by the circumstances of time and place, or by internal and external pressures brought to bear upon his religious and temporal administration. The result was that periods of leniency and disregard of harassing restrictions frequently alternated with periods of extreme severity in enforcing old laws and sanctioning new ones which would further limit the individual and community rights of the Jews.

In drawing the historical picture of these variations in anti-Jewish policies, one must not overlook the fact that religion was only one aspect of the matter. Political, social, and especially economic factors gave color and significance to the laws and decrees of popes, councils, and kings. The feeling and conduct of the populations, whether of high or low degree, toward the Jews who lived in their midst played a most important part in the history of the Jewish community. The teaching of the Church that the Jews were forsaken by God and condemned to perpetual slavery for having crucified Christ could not fail to awaken in the masses a sense of contempt and hatred ready to explode upon the slightest provocation into outbursts of violence, pillage, and massacre. Religious fanaticism often kindled by influential preachers, the instinctive cruelty of the mob when dealing with defenseless people, the certainty of impunity if not of praise, and the expectation of material gains through pillage and murder—all these were the bloody

commentary written by aroused masses on the laws of Church and kings.

The Attitude of Christian Theology and Philosophy Concerning the Jews

A disastrous turning point in the life of the Jews of southern and central Europe was marked by the crusades. The Jews were everywhere treated by the crusaders as if they were the vanguard of the enemy's army. In the ecclesiastical literature of the time, in official documents as well as in the popular romances of chivalry, the Jews were usually placed in a class with the pagans as enemies of Christianity. By "pagans" were meant the Moslem Saracens who were the masters of the Holy Land. It is not surprising that the motley armies of crusaders usually began their pious military expeditions by massacring and pillaging entire Jewish communities in France and Germany, and then throughout the Balkans along the route to the east. During all the crusades the Jews suffered heavily not only because of special contributions imposed on them on these occasions, but also because of the moratoriums (without interest) granted by the popes on all debts incurred by the crusaders. At times such debts were cancelled outright or were confiscated for the benefit of kings and princes.

From the twelfth century on the economic factor became more and more prominent as a cause of the persecution of the Jews. It was then that persecuted Jewish communities began to turn for protection to the papacy, which by a long tradition forbade the use of violence against them. The Jewish community of Rome was often the vehicle through which the appeals from Jews of various countries reached the pope. Prompted by these appeals, at times made more cogent by Jewish contributions to the treasury of St. Peter, the popes began to issue the long series of papal bulls concerning the Jews which appeared so frequently from the twelfth to the eighteenth century.

The first, promulgated by Callistus II in 1120, was the Bull *Sicut Iudaeis,* which was reissued by many of his suc-

cessors or incorporated with modifications in other bulls. Callistus reinstated the old Gregorian principle that the Jews should not presume to do what was forbidden them, but neither should they be molested in the enjoyment of their rights. No new privileges should be granted them, but no old rights should be taken away.

According to the Bull of Callistus, the rights of the Jews were not to be curtailed, nor their obligations and restrictions added to in the future. In fact, however, their conditions changed with time and place. But those gains which the Jews occasionally made when the laws against them were not strictly enforced were sooner or later denounced as abuses and suppressed, while the new obligations and new restrictions forced upon them became an integral part of the tradition which grew with successive papal bulls. In this, as in other aspects of the evolution of Catholic doctrine and institutions, the appeal to tradition is not evidence that the door was closed to innovation and change. It testifies merely to the continuity of certain trends of thought and action. In the case of the Jews, the principle that tradition should be respected was observed insofar as it forbade granting the Jews freedom and equal rights with Christians; it did not protect them from the imposition of new burdens or new restrictions of their limited liberty.

With the re-introduction of philosophical speculation and of the logical method in theology, beginning with St. Anselm of Aosta (1033-1109) and more definitely with Abelard (1079-1142) and his school, the theological concept of the Jewish "deicide" underwent a significant modification. A more subjective conception of sin as a voluntary action performed with full knowledge of its sinful character and with full determination led Anselm to the conclusion that the Jews, being ignorant of Jesus' divinity, did not commit a grievous sin, but only a venial one. In patristic theology, the principle that absolute ignorance absolves from guilt was not applied to the Jews, whose ignorance was deemed to be culpable and voluntary; furthermore, great emphasis was put on the enormous gravity of the sinful action, the deicide.

Going even further than Anselm, Abelard stated that the Jews who crucified Christ did not commit any sin at all, because their intention was good and they believed that they were doing the will of God. Even St. Bernard (1091-1153), though he was uncompromising in his opposition to the "new dialecticians," shared St. Anselm's views. During the frightful massacres of Jews in France and Germany which were instigated by monks while the Second Crusade was being started, Bernard raised his powerful voice against the monks and in defense of the Jews. To be sure, Anselm, Bernard, and Abelard never taught that Jews should not be discriminated against, but if their opinions of the absence of guilt in the Jews had prevailed in Christian theology, the implications of this exoneration might have affected the policy of the Church.

Unfortunately, the scholastic re-elaboration of theology returned to the old patristic tradition and made it even more rigid and uncompromising. According to Thomas Aquinas (1225-1274) (*summa Theol.*, III, quaes. XLVII, art. 5-6), the *majores* or *principes,* that is, the leaders, scribes, Pharisees, and rabbis knew that Jesus was the Christ promised by the Scriptures, because they had seen all the signs foretold by the prophets, though they did fully grasp the mystery of his divinity. Their ignorance, therefore, was *affectata,* that is, artificial and insincere, because they, led by their hatred and envy of Christ, wilfully refused to see the patent evidence of his divinity and to believe his proclamation that he was the Son of God. The rank and file of the people did not know fully or clearly that Jesus was either the Christ or the Son of God; many had a hint of his divinity because they saw his miracles and heard his teachings, but they were misled by their leaders, who refused to believe him. Therefore, as far as the leaders were concerned, their affected ignorance, instead of exonerating them of the crime of deicide, made them still more culpable on account of their malice. As for the others, their sin was less grievous, but they, too, were guilty of blasphemy in believing those who said that Jesus was a lover of food and drink and a friend of the publicans, and they, too, sinned against the

Holy Ghost by thinking that Jesus' miracles were the work of the prince of devils. Only the Gentiles who took part in the crucifixion were guiltless because of their invincible ignorance. To the objection raised by Abelard that Jesus willed his death and that it was the will of the Father that he should die, and that therefore the Jews had committed no crime because *volenti nulla iniuria,* Aquinas replied summarily that Jesus' will to die and the Father's will that he should die did not at all imply that they also willed that the Jews should perpetrate the crime.

Aquinas laid a heavy hand upon the Jews, accusing them of having a strong leaning toward idolatry, of being cruel, and of being strongly inclined to avarice. Following the tradition, he held that Jews were *servi ecclesiae,* and that the Church could dispose of their possessions. For their guilt they were to be *servi in perpetuum;* hence, Christian princes could in theory seize their properties, leaving them only enough to feed themselves, though in practice the princes had to observe existing laws. Last but not least, Aquinas justified the faithful in using force against the Jews when the authorities failed to prevent them from interfering in the performance of the Christian faith, from perpetrating blasphemies, spreading propaganda, and openly persecuting Christians (*ibid.*, II, IIae, quaes. X, 10). The overwhelming authority enjoyed by Aquinas in Catholic theology certainly did not contribute to the comfort of the Jews.

The long and impressive list of papal bulls concerning the Jews (almost every pope up to the eighteenth century promulgated one or more) seems to suggest that the popes very often received desperate appeals from persecuted Jews of various countries, and no less often received recriminations and protests from Christians against Jewish abuses and violations of laws. The endlessly repeated condemnations of violence against the Jews on the one hand and of Jewish violation of laws on the other also suggest that papal bulls were ineffective in preventing persecution and massacres of Jews and not very successful in coercing the many rulers who found it convenient to overlook the restrictions

against the Jews. These generalizations, however, must be taken with a grain of salt, because, though many papal bulls were issued in answer to appeals for or against the Jews, many of them were not.

In time it became a custom for the Jews of the Roman community to beg every new pope to confirm their rights. A fresh papal decree stating that the Jews were not to be exterminated and were to be granted freedom to practice their religion was worth something, at least in the Pontifical States, even though its enforcement was not always to be expected.

Pope Innocent III and His Successors

In the history of the Catholic Church there are two popes who stand high above all others as the most severe legislators against the Jews: Innocent III (1198-1216) and Paul IV (1555-1559). Both were filled with zeal for the repression of abuses in the Church and for the restoration of discipline. It is significant that in general the popes who went down in history as "reformers" tightened and extended the restrictive laws against the Jews. Both Innocent III and Paul IV were engaged in deadly struggles with outside reform movements which were threatening the Church: the former with the great medieval heretical movements, the dualistic sects and the evangelical sects; the latter with the Protestant Reformation, which shook the very foundations of the Church. The rise of heretical movements seems always to have cast a shadow over the Jews, they always suffered heavily during such struggles and were hit by the force of all the storms which upset the Church and the papacy.

Innocent III often dealt with problems concerning the Jews. His constitution, *Licet perfidis Iudaeis,* is mostly a recasting of the Bull of Callistus, but it ends with the significant clause that the rights to which the Jews were entitled were granted to them only on condition "that they should not plot against the Christian faith." From his subsequent

decretals, from his correspondence, and especially from his letters to the King of France and other princes, we learn that complaints against Jewish abuses reached him from every quarter and stirred him to action. First of all, the pope denounced the "insolence" of the Jews, who "requite Christian favor with contumely and intimacy with contempt." Wherever a little indulgence is shown them they become boisterous and abusive. They fleece their Christian debtors; with the acquiescence of greedy rulers and corrupt magistrates they push themselves into positions of authority over Christians; they keep Christian servants and nurses and often convert them to Judaism. In France they have become so bold as to refuse the testimony of Christian witnesses against them. Wherever there is a synagogue near a Christian church, the Jews, while mass is being said, begin to sing and shout and make all kinds of noises to disturb the faithful. Above all, they utter blasphemies against Jesus, saying that he was a peasant and a criminal. On Holy Friday the Jews dress gaily and go through the streets of the towns making merry, thus provoking the Christian people. They consort with thieves and get from them stolen goods to resell at a high profit. Last but not least, they so hate the Christians that when they can inveigle one of them into their houses they kill him. As a matter of fact, says the pope, recently "the body of a poor scholar was found in the latrine of a Jewish house."

These charges against the Jews had been for a long time and continued to be the stock-in-trade of medieval anti-Judaism. Apart from murder, most of the charges were summarized as Jewish "insolence." The Jews, instead of being thankful and showing gratitude, (for being permitted to live and breathe the same air as Christians), seized every opportunity to escape from the oppressive laws imposed upon them and tried, whenever they could, to requite their oppressors. This was their unpardonable crime. As for the charge of indiscriminate murder of Christians, Innocent's generalization was obviously absurd. That occasionally a Christian was murdered by a Jew is not surprising, considering how many Jews were murdered by Christians.

The anti-Jewish legislation of the Fourth Lateran Council convoked by Innocent (1215) confirmed all the old laws, especially those of the Fourth Council of Toledo (633), and made considerable additions to them. A new and most severe measure taken by the council was the obligation requiring all Jews to wear a badge or special garment to distinguish them from Christians (Canon 68). The reason given by the council was that this custom was already in existence in some regions and that it was necessary especially to avoid sexual relations between Christians and Jews under pretext of ignorance.

More far-reaching was Innocent's decision concerning the forcible baptism of Jews. The Fourth Council of Toledo prescribed that Jewish children who had been baptized without the consent of their parents were to be taken away from their families and brought up in Christian religious houses. It also decided, that adult Jews who had been forced to receive baptism through fear of death or severe penalties had received the sacrament validly and hence had become subjects of the Church and were to be forced to live as Christians.

That baptism administered to a Jewish infant without the consent of his parents was valid had never been questioned. At the same time the popes had invariably forbidden such baptisms. This prohibition meant that these baptisms though valid were "illicit" and that those who administered them committed a sin and incurred the penalties sanctioned by the Church. Since, however, a child so baptized received the sacrament and became a Christian, he had to be brought up as a Christian, which meant that the child could not be left with his Jewish parents, because the sacrament would be exposed to profanation and the child become an apostate. On the other hand, to take the child away from his parents was against natural law. In this conflict between the positive (revealed) divine law and natural law the former prevailed.

The problem of Jewish adults forcibly baptized was not so simple. Usually these Jews were given the alternative of baptism or death, or, if not death, confiscation of

property and reduction to slavery, or expulsion from the country. It was for fear of incurring such penalties that they yielded. According to the principle that consent extorted by fear of death or of a great evil invalidates a contract and makes void the legal effects of any action so performed, these baptisms should have been considered invalid. Yet the Synod of Toledo declared them valid. The popes had always condemned the forcible baptism of Jews as illicit, but there had been some uncertainty and variation in their policy concerning the effects of such sacramental administration. Pope Innocent's bull, *Maiores Ecclesiae* (1201), put an end to all possible doubts that such baptisms were valid and, once and for all fixed the doctrine of the Church in dealing with such cases. According to this bull, "not only do children who do not consent receive the sacrament but even the dissimulators, who if not by word, dissent at heart . . . Those who are immersed even reluctantly do belong to the ecclesiastical jurisdiction and might therefore be reasonably compelled to observe the rules of the Christian Faith." Of course, to coerce Jews into receiving baptism is forbidden, but if such a thing occurs, "one who is drawn to Christianity by violence, through fear and torture and consents to receive baptism in order to avoid loss, he does receive the impress of Christianity and may be forced to observe the Christian Faith." It seems that in Innocent's opinion only a Jew who openly and stubbornly refused to consent to baptism and offered physical resistance when dragged to the fount was not to be considered as having received the sacrament. Unfortunately, a Jew who put up such resistance had little chance of remaining alive.

This final pontifical decision settled the question of taking from their families Jewish children baptized without the consent of their parents, as well as the fate of the Jewish relapsi or crypto-Jews who, having been baptized against their will, were nevertheless classified as Christian heretics and as such fell under the jurisdiction of the pontifical *Inquisitio haereticae pravitatis* established by Gregory IX (1227-1241).

The Talmud and other Jewish books had often been denounced, especially by Jewish apostates, as containing blasphemies against Christ. Pope Gregory IX was the first to put in motion the whole machinery of the Church for their destruction. In a letter to the bishops of France (June 6, 1239) he stated that the Jews "affirm that God gave to Moses besides the written Law another oral law," the Talmud, which later on was written down by the scribes, and which contains "matter so abusive and so unmentionable that it arouses shame in those who mention it and horror in those who hear it." The possession of the Talmud "is said to be the chief cause that holds the Jews obstinate in their perfidy." Hence, the pope ordered that those books should be seized everywhere and even suggested that this operation could best be carried out on "a Saturday morning while the Jews are generally gathered in the synagogue" by breaking into their homes. In any case, the surrender of these books "must be enforced by the secular arm," and the books handed over to the Inquisition and destroyed. This was effected in 1240-42.

Under his successor Innocent IV (1243-1254) the charge of ritual murder, which was to plague the Jews for many centuries, began to be raised more frequently, bringing torture and death to large groups of Jews. Pope Innocent IV dismissed such charges as untrue and stated frankly that the underlying motive for them was to rob the Jews of their possessions. "No matter where a dead body is found, their persecutors throw it among the Jews."

The decrees of the Lateran Council and the establishment of the papal Inquisition affected the life of the Jewish communities in all Christian countries in varying degrees according to the local political interests, to the relative subservience of the secular to the ecclesiastical powers or vice versa, and to the ever-changing circumstances of time and place. The policy of the popes themselves was not uniform; but in general the tendency toward severe enforcement of restrictions prevailed, especially in extending the powers of the Inquisition over the Jews. (Bull *Turbato corde* of Clement IV, withdrawn by Nicholas IV's *Orat*

Mater Ecclesia and restored again by Boniface VIII's *Exhibita Nobis*).

The last years of the century witnessed the end of the flourishing Jewish communities of southern Italy, in the Kingdom of Naples, of which the pope was feudal suzerain and which was bestowed by Clement IV upon Charles of Anjou, brother of Louis IX of France. Charles had received considerable financial support from the Jews in his conquest of the Kingdom and protected them as long as he lived. But under his son Charles II the policy was reversed. The onslaught started in Apulia with the usual charge of a ritual murder brought against them by a Dominican friar. Bloody riots flared up throughout the kingdom and the Jews were given the alternative of conversion or death. Many received baptism, but many escaped and found refuge in northern Italy.

The Avignon Period and the Great Schism

Then followed the long period of the French popes, who took up their residence in Avignon (1305-1378). The Avignon popes in general continued the policy of their predecessors. In many places the ravages of the Black Death, the fearful epidemic which decimated the population of Europe in the middle of the fourteenth century, caused savage reprisals against the Jews, who were accused of wilfully spreading the plague. Once more they appealed to the Holy See. Clement VI (1342-1352) in his bull, *Quamvis Judaeorum perfidia,* tried, though without much success, to calm the storm by stating that the Jews, bad as they were in many ways, had nothing to do with the plague.

In the fourteenth century with the gradual decline of papal authority, first during the Avignon period and to a far greater extent during the long western schism, the condition of the Jews in the various countries was more than ever dictated by the local powers, especially in the great European monarchies which had already emerged from the disintegration of feudalism and were now consolidating their royal absolutism. These changes affected the Jews

sometimes for the better, sometimes for the worse. In some countries, like France and England, economic exploitation of the Jews by the rulers became, if possible, more intense and systematic, but they were as a rule not much molested otherwise. In Spain, on the contrary, religious fanaticism and greed joined forces in increasing the misery of the Jewish communities. But in no other place did the Jews gain so much as they did in Rome, where during the absence of the popes the communal government of the city from the very beginning disregarded the restrictive laws, and granted the Jews a great deal of freedom. Jewish merchants were even accepted as members of the guilds. (1310).

During the great western schism when two or three popes were competing for recognition at the same time, the pope of the Roman line, Boniface IX (1389-1404), renewed and extended the privileges granted by the communal government. Jewish physicians—there were several of great renown at that time in Rome—had free access to the papal court; the right of citizenship was bestowed upon many prominent Jews. At the same time, the Jewish communities of Rome and the Pontifical States were asked to contribute heavily to papal finances as well as to special public undertakings. The pope of the Avignonese line, Benedict XIII (1394-1423), assumed a very hostile attitude toward the Jews, especially in connection with Spain.

The Council of Constance (1414-1418) put an end to the schism and reestablished the union under the new Pope Martin V (1417-1431), who at first continued the friendly policy of his Roman predecessors, especially condemning forcible conversions and addressing severe reproaches to preachers who stirred the people against the Jews. A few years later, however, Martin revoked his previous concessions and enjoined the revival of all the old restrictive laws. This change was attributed to the influence of a Franciscan friar, John of Capistrano, (1386-1456), who was later canonized. This saintly but fanatic friar inaugurated an anti-Jewish wave within the popular Franciscan order which became very intense throughout the fifteenth century. The movement was directed primar-

ily against Jewish pawn-shops and the usurious rates of interest charged by their owners.

The Renaissance Period

The Renaissance popes, beginning with Martin V, (1417-1431), often changed their attitude toward the Jews; and we find the same pope passing, sometimes more than once, from leniency to extreme severity or vice versa. Thus, Martin V, who had changed his policy under the influence of Capistrano in 1423, restored his favor to the Jews in 1429. His successor, Eugenius IV (1431-1447) was friendly toward them at the beginning of his pontificate, but shortly afterwards began with the utmost strictness to enforce the wearing of the badge; and at the end of his pontificate promulgated the bull, *Dudum ad nostram* (1442), which not only swept away all privileges but would have brought about a reign of terror for the Jews, if it had been strictly enforced, which it was not. Nicholas V. (1447-1455), the humanist pope, published anew the bull, *Etsi Apostolicae Sedis,* for the protection of the Jews, withdrew it a month later, and then reissued the Bull of Eugenius.

These changes of policy reflect the dual policy of the popes: to protect the Jews against extreme atrocities and yet keep them under the yoke as an inferior caste. In some cases these variations may have been dictated by the outside pressure of political powers. Those chiefly affected were the Jewish communities of Rome and the Pontifical States where the rule of the pope was now effective and was assuming more and more the form of an absolute monarchy. There the popes could immediately and directly apply all the laws they made either in favor of or against the Jews. Financial considerations were not extraneous to these sometimes sudden changes of policy towards the Jews. With the popes of the Renaissance period, several of whom were worldly and unscrupulous politicians interested primarily in the aggrandizement of their families, the publication or the threat of publication of a bull with further restrictions

of Jewish rights was used more than once for financial purposes. In such cases the Jewish communities of Rome and the Pontifical State would pool their resources and offer a generous voluntary donation to the papal treasury, at the same time begging the pope to desist from publishing the bull or to repeal it. Occasionally there was some bargaining as to the amount of the contribution, but in the end the pope "graciously" granted the request.

The secular spirit which dominated the papal court during that period was in general less sensitive to the theological prejudices which had dictated the traditional Christian policy toward the Jews. Though the old motives of the Jews' rejection by God and their condemnation to slavery were repeated in reissuing old bulls, the conduct of the Renaissance popes toward the Jews was, in fact, influenced chiefly by political and economic considerations. Thus, at the end of the fifteenth century, when a great anti-Jewish wave resulted in the wholesale expulsion from Spain, Portugal, and then from Sicily and southern Italy, of Jews who refused to be baptized, the popes as well as the princes of northern Italy permitted large numbers of refugees to settle in their states and even bestowed special privleges on prominent individuals, scholars, physicians, and merchants among their ranks. The Spanish Jews who had remained in Spain by accepting baptism, the so-called *marranos,* were hunted by the Inquisition as crypto-Jews. Many of them escaped the *auto-de-fé* in which so many others perished, and some of these survivors were admitted to the Pontifical States.

Paul III, the Farnese pope (1534-1549) had Jewish physicians and astrologers at the papal court. He gave the Jews of Ancona and Romagna—many of them recent arrivals who were to make Ancona a seaport of considerable importance in traffic with the east—a new charter modifying the procedure of the courts in their favor and exempting them from wearing the badge. He re-issued the bull, *Etsi Iudaeis,* to protect the Jews of Hungary, Poland, and Galicia against the frequent pogroms to which they were subjected. In addition, he declared the Jews to be innocent of

ritual murders and enjoined friars and preachers to abstain from inciting the people against the Jews. In Rome, Paul confirmed the privileges of the Jewish community, but continued the effort to convert the Jews and established the House of Catechumens, an institution for the instruction and support of Jewish converts.

The same benevolent attitude was adopted by Julius III (1550-1555), who once again forbade the baptism of Jewish children without the consent of their parents. At the same time, however, he renewed the war against the Talmud and other Jewish books and imposed on all the synagogues of Rome and the Pontifical States a special tax for the support of the House of Catechumens. The most irksome disabilities of Roman Jewry of that period were this tax, by which Jews had to support the apostates from their religion, the wearing of the badge, conversionist sermons, and humiliating performances as being forced to run races in the carnivals (established about 1470). The heavy financial demands made upon them on every possible occasion increased their burden. But for the rest they were left in peace. Even the *marranos* who had come from Spain were not seriously molested.

The Counter-Reformation Period

This situation changed completely with the advent of Paul IV (1555-1559), the stern pope of the counter-Reformation. His pontificate marks the most decisive turn for the worse in Jewish history of the modern period of papacy. Catholic reaction against the new Protestantism extended to old religious dissenters like the Jews. To Paul IV, who as cardinal and inquisitor had been a powerful advocate of a Catholic counter-Reformation, the Jews were no better than the heretics. Two months after his election he published his famous bull, *Cum nimis absurdum*. It is the climax of absurdity, he stated, that the Jews, condemned by God to eternal slavery, should presume to dwell in our midst, show such ingratitude toward Christians, and insult our faith.

After this preamble the pope enjoined the strictest observance of all the old laws, and added new ones, primarily the segregation of Jews in ghettos. The obligation to live in a special section of a city or town had been imposed upon Jews again and again in various places, but had never been observed for long, and even when it was observed, exceptions had been easily granted. The first real ghetto was established in Venice in 1516, and here segregation was maintained to the end of the republic. Pope Paul improved upon the Venetian system by prescribing that the Jewish section should be surrounded by walls and have only one gate of entry which should be closed during the night. The isolation of the Jews was thus complete; their life had to evolve within the few streets and shops of the ghetto.

The Jewish communities of Rome and the Papal States asked for mercy, and offered a very large sum of money to appease the pope, as they had done so many times before. But the inflexible Caraffa refused to be bribed. No less drastic were other provisions of the bull: Jews were forbidden to own any real estate, even their own houses in the ghetto; they were excluded from all trade in essential products, such as wheat, wine, and oil, which they could sell only to their co-religionists in the ghetto; their pawn-shops were put under close supervision. Their account books were to be kept in Latin or Italian and to be always ready for inspection. They were forbidden to work on Sundays and other Christian holy days, and finally, all Jews were forced to attend monthly conversionist sermons, often preached by Jewish apostates.

At the same time the pope unleashed the Inquisition against the *marranos;* hundreds of them were arrested and tortured. In the city of Ancona twenty-four of them were burned at the stake. By the payment of large sums of money, forty-two who had been condemned to death obtained commutation of the sentence to the galleys for life. Many escaped to nearby states or emigrated to foreign countries.

The Inquisition resumed the campaign against the Talmud with great vigor, this time as part of the general war against all books written by heretics or those suspected of heresies, as well as books considered immoral or in any way

offensive to Catholic taste. In Rome and the cities of the Pontifical States, and in Florence, Venice, Genoa, Milan, Naples, and other cities thousands upon thousands of books were burned in great piles in the public squares. Outside Italy the papal order was generally disregarded. In France the parliament of Paris ignored it; even in Spain the Inquisition, which was under the control of the king, limited the number of books to be burned.

This drastic legislation, which gave as full expression as possible to the old theological notion that God had condemned the Jews to slavery, was never as a whole revoked by the Church. The application of the various oppressive measures, however, was not always strict and was determined by the personal character and temper of each pope, as well as by the changing circumstances of the times. Pius IV (1559-1565) did not impose observance of some of the most obnoxious regulations, while his successor Pius V (1566-1572), the former great Inquisitor Ghislieri, enforced them all to the limit, especially the law against Jewish ownership of real estate. Finally, he expelled all Jews from the Pontifical States, with the exception of the communities of Rome and Ancona on which he imposed a heavier burden of taxation.

Gregory XIII (1572-1585), the great protector of the Jesuits, issued more detailed regulations (bull *Antiqua Iudaeorum improbitas,* 1581) forbidding the Jews the use of carriages and making the conversionist sermons a weekly affair. He allowed the return to the Papal States of several Jews formerly expelled, a measure suggested primarily by economic reasons. Sixtus V (1585-1590), the pope who ruled with an iron hand, was lenient toward the Jews except in the matter of taxes and contributions of money. All the expelled Jews were permitted to return and re-establish their communities; Jewish bankers were allowed to settle in Rome, and one of them, who had assisted the pope in his financial operations, was granted the privilege of living outside the ghetto. Sixtus also reduced the conversionist sermons to six a year, and gave permission for reprinting the Talmud with some omissions and under a different name. Clement VIII (1592-1605), on the contrary, expelled the Jews again (ex-

cepting those of Avignon, Ancona, and Rome), re-established the weekly sermons (bull *Caeca et obdurata*), gave orders that the new edition of the Talmud be destroyed, and confirmed the rule that baptism of Jewish children, even those obtained through kidnapping, had all the legal effects of regular baptism. Paul V (1605-1621) is remembered for having provided the ghetto with a new supply of fresh water and for making several exceptions to the law which forbade Jews to engage in any traffic other than the rag business. Clement IX (1667-1669) abolished the Jewish races in the carnival. Greater leniency was shown by Clement XIV (1769-1774), the pope who abolished the Jesuit order. When on the occasion of a pogrom in Poland, Jews accused of ritual murder appealed to Rome, the pope, having examined the evidence, declared that they were innocent and had not committed the crime. But his successor, Pius VI (1775-1799) clamped down the lid again and enforced the old laws with vigor.

The Modern Period

The political and social changes brought about by the French revolution gave freedom to the Jews; they became citizens and shared in all civic rights and duties. After the fall of Napoleon and the re-establishment of the old governments, the Jews of the Pontifical States were thrown back into the ghetto. Pius VII (1800-1823) used moderation in applying the old laws, while his successor, the reactionary Pope Leo XII (1823-1829), tried to revive in full the laws of Paul IV. Under Gregory XIV (1831-1846) a milder policy prevailed.

The beginning of the pontificate of Pius IX (1846-1878), with its short-lived liberalism, was marked by the abolition of the ghetto and its regulations, the conversionist sermons, and the House of Catechumens (1848). Then followed the Roman Republic of Mazzini in which the Jews acquired full rights of citizenship. But upon the return of Pius IX from exile, the Jews were made to pay for having supported the revolution, and were thrown back into the

ghetto. The conquest of the Pontifical States by the Piedmontese army in 1860 and the annexation of Rome by the new Italian kingdom in 1870 finally brought to an end the ghetto and its sorrowful memories.

The papacy refused to accept the results of the liberal revolution of the nineteenth century, and condemned liberalism with its implications of equality for all citizens and complete freedom of conscience (Syllabus of Pius IX). Since the loss of the Pontifical States, the popes have not published any bull or encyclical directly concerning the Jews. No declaration has been made that the Catholic Church has changed or modified its traditional principles on the Jewish question. Like their predecessors, the recent popes have reproved and condemned violence against the Jews, but they have not recognized the right of Jews to be free citizens on equal terms with Christians. The most important Catholic survey of the Jewish question to appear in recent times was a series of five long articles published by the review *Civiltà Cattolica* in Rome (October 3, 1936; June 5, 1936; June 19, 1937; April 2, 1938; July 16, 1938). This periodical is written, edited, and published by the Jesuits of Rome, and so reflects the ideas of the central body of the powerful Society of Jesus. Its editor-in-chief from the time of Pius X has been appointed by or with the approval of the pope; and, therefore, the *Civiltà Cattolica,* though not an official organ of the Vatican, is considered as indicative of the ideas and trends prevailing in high Roman ecclesiastical circles.

From the beginning of its existence the *Civiltà Cattolica* has constantly denounced Freemasonry and the Jews as sources of evil, especially the Jews, who through their banks and great business houses control the capitalist forces on the one hand, and who on the other have been the creators and leaders of revolutionary socialism and atheistic communism. So "the Jews constitute a serious and permanent danger to society" (October 3, 1936). The Jesuit writer of the articles on the Jewish question searches the horizon for a solution of the problem: the ideal solution would be the conversion of the Jews to Christianity and their absorption by the local populations; but the Jews are obdurate and will never be assimil-

ated. Zionism might offer a way out, but the creation of a Jewish state would increase the Jewish menace, "because the Jews, foxy profiteers, penetrate into all international organizations and especially into Freemasonry and into the League of Nations" (June 5, 1936). A more suitable way must be found "to change their wicked mentality." There is an urgent necessity to limit "the relations between Christians and Jews and to raise a barrier against the two perturbing Jewish preponderances, the materialistic-financial and the revolutionary preponderance" (June 19, 1937). In conclusion, there is no way "to render the Jews innocuous" but that followed by the Church in the Middle Ages, "that traditionally adopted by the popes," which was "charity without persecution and prudence with suitable provisions such as a form of segregation and identification suited to our times" (April 2, 1938). Above all, the Jews should not be granted the right to become citizens; they should be treated "with the kind of hospitality used towards foreigners" (*ibid*). These articles, which appeared while the purge of the Jews by the Nazi regime was increasing in intensity day by day, were given much publicity by the Fascist press and were then used as a justification of the anti-Semitic laws enacted by Mussolini.

Pope Pius XI condemned the theories and practices of "Racism." Speaking at a private reception and alluding to the Jewish origins of Christianity, he stated that "we all are spiritually Semites." He protested against the Fascist racial laws, but primarily because of their prohibition of marriage between Catholics and Jews who had become Catholics. During these years there were many such conversions in Italy, and since, by embracing the Catholic faith, the converted Jews had become subjects of the Church and its laws, the pope considered the Fascist measure a violation of the Concordat of 1929.

Pope Pius XII protested against all the atrocities and mass murders of the Second World War. During the German occupation of Rome and central and northern Italy, where the Nazis carried out the same policy of exterminating Jews in every place that came under their control, the Vatican and the Italian clergy, both high and low,

with rare exceptions, did all they could to save the lives of unfortunate Jews hunted by the Gestapo. In so doing, the Church remained faithful to its old policy of condemning violence against Jews, or their murder or wholesale extermination. This policy was in full accord with the sentiment of the Italian people, which in general saw no reason for persecuting the Jews and even at personal risk, helped as many as they could, to evade first the Fascist laws and then arrest and deportation to the murder camps by the Nazis. But neither Pius XI nor Pius XII, in this greatest of all persecutions suffered by the Jews in their millenarian history, published a bull *de Judaeis*, inflicting the severe sanctions of the Church upon the perpetrators of Jewish massacres; nor did they make manifest whether or not there had been any change in the traditional policy of the Church toward the Jews.

The condemnation of "racism" and theories based on supposed biological and anthropological realities does not imply that the pope has revoked or condemned these theological and pseudo-historical theories which the Church held for so long concerning the punishment inflicted by God on the Jews, or their classification as a people assigned a place inferior to the Christians by divine law. The central government of the Church has remained silent on this point; neither the Jesuits of the *Civiltà Cattolica* nor other responsible authorities have expressed disapproval of the theories expounded at great length in that periodical in 1936-1938. Nor can general statements made by Pius XII concerning the rights of the individual and freedom of religion be taken as a reversal of policy affecting the Jews, because the Church has never denied to Jews the right to live according to their own law or to practice their religion freely. The implication is that no change has taken place so far as the teaching of the Catholic Church on this point is concerned.

Severe ecclesiastical penalties such as excommunication and interdict inflicted by canons of councils and papal bulls on Catholic individuals or communities which did not observe anti-Jewish laws became obsolete and inapplicable when Jews acquired all the civil rights of citizenship. The new

Code of Canon Law promulgated in 1917 does not mention the Jews at all. According to the rules of interpretation embodied in this code, all former ecclesiastical censures and penalties not listed in the new code are to be considered abolished. To have maintained the old penal sanctions against Catholics for such dealings with Jews as were forbidden by the Church would have created sharp and dangerous conflicts with civil and penal laws. The abolition of the penalties did not mean, however, that the principles, of which the penal laws were the practical application, had ceased to be true and binding on the conscience of believers. Church laws which have their origin in divine prescriptions cannot be abolished, and the penalties against those who violate them have validity even if they are not mentioned in the code (canon 6). By divine command it is the right and duty of the Church to forbid contacts which might jeopardize the salvation of Catholic souls. The status of the Jews so far as the Church is concerned has not changed and cannot be changed, since their rejection was an act of the divine will and not a human decision.

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The theological and historical sources of the doctrines and the laws of the Catholic Church concerning the Jews are found in the great collections of the Fathers of the Church, of the ecclesiastical writers, of the acts of the councils, and in the canonical collections, the *Decretum Gratiani* and its subsequent additions forming the *Corpus Iuris Canonici*. Most important of all are the collections of the papal bulls and of papal correspondence as well as the *Regesta* of individual popes. For the papal bulls concerning the Jews, see Moritz Stern, *Urkundliche Beiträge über die Stellung der Päpste zu den Juden* (Kiel, 1893) and *Päpstliche Bullen über die Blutbeschuldigung* (Munich, 1900). Still useful is E. Rodocanachi, *Le Saint Siège et les Juifs* (Paris, 1891). Solomon Grayzel, *The Church and the Jews in the Thirteenth Century* (Philadelphia, 1933) gives all the documentary sources of the period in the original Latin and in English translation with an excellent historical introduction. Ludwig Pastor's voluminous *History of the Popes from the Council of Constance to Pius VI* (English translation; London, 1891-1932), gives for each pontificate a brief survey of papal pro- and anti-Jewish activities with references to archival material, but is rather inclined to softening the dark side of the picture. Besides the well known general histories of the Jews, the special histories of the Jewish communities in the various coun-

tries and of their treatment by the local churches are of great value, especially the histories of the Jews in Italy and in the Pontifical States. The new English edition of the *History of the Jews in Rome* by Hermann Vogelstein and Paul Rieger brought up to date by Vogelstein (Philadelphia, 1940), and Cecil Roth, *History of the Jews in Italy* (Philadelphia, 1946) are highly recommended. Useful is also Louis I. Newman's *Jewish Influence on Christian Reform Movements* (New York, 1925) which throws light on the Catholic anti-Jewish reaction in connection with the various heretical movements within the Church. The influence of Church laws on secular legislation and administration of justice has been recently studied by Guido Kisch in his *The Jews in Medieval Germany: A Study of Their Legal and Social Status* (Chicago, 1949), and *Jewry-Law in Medieval Germany: Laws and Court Decisions Concerning Jews* (New York, 1949).

SOCIOLOGY AND STATISTICS OF THE JEWS

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SOCIOLOGY, and as its basis, statistics will take a prominent place in Jewish research during the coming years. Therefore it might prove useful to touch on some problems and to explain some questions concerning these scientific spheres of work.

In contrast to the science *of* Judaism, sociology is the science *about* Jewry.[1] The essence of statistics is the *census* of the masses; the essence of sociology is the *investigation* of the masses. Statistics prepare the basis for such an investigation. Both fields have the same relation to each other as production has to consumption.[2]

We have, however, to make still another distinction. There is a well known statement by A. L. v. Schloezer saying: "History is continuous statistics and statistics are stationary history."[3] History is the science of development; statistics, on the other hand, are the record of present conditions. The latter describes the present, and from it we derive our knowledge of existing conditions in all realms of human life.

In the State of Israel as well as in the Jewish Diaspora statistics are not confined to purely scientific considerations. Their subject is not only to describe and explain all the problems of the existence of the Jews among themselves and within their environment, but also to come to logical conclusions about them. There is also a practical reason for all this, namely, to provide the indispensable basis for all the measures that are to govern and direct the legal, economic,

[1] Joseph Jacobs, "Die jüdische Volkskunde und die Einteilung der Statistik," *Statistik der Juden* (Berlin, 1917), p. 30.

[2] Arthur Cohen, "Judenfrage und Statistik," *Statistik der Juden*, p. 21.

[3] v. Schloezer, *Theorie der Statistik* (Göttingen, 1814), p. 86.

and social problems in the life of the Jews. In the State of Israel the manifold duties which a state has to fulfill nowadays will have to be dealt with, in the rest of the world it will be the problems that result from the conditions in the different countries in so far as they affect the Jews (e.g. organization of emigration, integration and adjustment of the immigrants in new countries, changes of occupations, etc.).

A final description of the social conditions in Israel will, however, be possible only after their consolidation, when the flood of immigrants will have ebbed, when the members of the new population will have adapted themselves to the country as well as to one another and when the different groups of population will have amalgamated into a uniform economic body.

In the other countries, too, a final consolidation of the given conditions will have to be awaited. Above all, the Jews in Europe must cease to be in a state of flux; only then shall we be able to determine how many intend to stay there, to which countries they intend to go, and what plans they have for the future.

In the period of transition it will be of particular interest to watch the growth of a newly formed modern state, an opportunity which is offered to the scholarly observer only very rarely. The interval, however, must be utilized for working up and evaluating the statistical material available, together with the newly obtained data. This has not only historical significance, but the results will be particularly valuable as starting points for the future; and especially if in the absence of precise data an effort is made to arrive at usable results in an indirect manner.[4]

The basis of any scientific and practical work in the fields of sociology and ethnology are reliable statistics. In general, statistical investigations can be carried out only by either the state or the municipality or by another central agency which is created especially for this purpose and expertly directed. It stands to reason that—if in any way possible—only an exact and direct census should be used for

[4] See further below.

the purpose of obtaining reliable results. One should resort to estimates only in exceptional cases and with the necessary precautions.

The history of statistics of the Jews began more than three thousand years ago, when Moses counted the children of Israel on Mount Sinai.[5] This was probably the earliest census ever taken in the history of mankind. In more recent times it was Leopold Zunz, the father of the science of Judaism, who, as early as 1823, in his essay, "Outlines for Future Statistics of the Jews," directed attention to the great importance of statistics and ethnology for the Jews. He even offered a complete scheme of how the various facts and conditions should be investigated. However, he conceived statistics on a larger scope and also included ethnology.[6] In spite of Zunz's pioneering work, statistics of the Jews were confined to a few individual cases before the end of the 19th century. Only if necessity required it, one turned to statistics. Merely a few works of a general nature are deserving of mention. Hermann Engelbert wrote on the statistics of the Jews in Germany, except those of Prussia, and Switzerland;[7] Gustav Adolf Schimmer devoted a study to the statistics of the Jews in the Austrian Empire;[8] and last but not least, Alfred Nossig collected "statistical materials of the Jewish people."[9] Later, Joseph Jacobs[10] had tried to arouse interest in the statistics of the Jews through several essays: 1882-1885 in the *Jewish Chronicle* (London), 1885-1887 in the *Journal of the Anthropological Institute*

[5] *Numbers* I, 17-19: "And Moses and Aaron took these men that are pointed out by name. And they assembled all the congregation together on the first day of the second month, and they declared their pedigrees after their families, by their fathers' houses, according to the number of names, from twenty years old and upward, by their polls. As the Lord commanded Moses, so did he number them in the wilderness of Sinai."

[6] Zunz, "Grundlinien zu einer künftigen Statistik der Juden," *Zeitschrift für die Wissenschaft des Judentums*, I (1823), p. 523; reprinted in Leopold Zunz, *Gesammelte Schriften*, I (Berlin, 1875), p. 134.

[7] Engelbert, *Statistik des Judentums im deutschen Reich ausschliesslich Preussens und in der Schweiz* (Frankfort-on-the-Main, 1875).

[8] Schimmer, *Die Statistik des Judentums in den im Reichsrat vertretenen Königreichen und Ländern* (Vienna, 1873).

[9] Nossig, *Materialien zur Statistik des jüdischen Stammes* (Vienna, 1887).

[10] *Op. cit.*, p. 30.

(London), and also in his essay, *Studies in Jewish Statistics.*[11] All these endeavors, however, had no immediate success. It was Max Nordau who, in a lecture at the Fifth Zionist Congress in 1901, found more understanding for the importance of statistics.[12] In the following year, Nossig was able to organize a committee for the establishment of a bureau for the statistics of the Jews. Simultaneously, he organized several groups of students who began to compile a bibliography on the statistics of the Jews. This bibliography is contained in a collective volume edited by Nossig.[13]

In 1904 the "Bureau for Statistics of the Jews" was opened in Berlin and headed by Arthur Ruppin.[14] A special Board of Trustees was organized and a number of the large Jewish organizations, communities, B'nai B'rith-Lodges in various countries subsidized the Bureau. Thus a central organization for all Jewish statistical investigations had come into being. During the following decades it worked successfully and accomplished its tasks in every respect. Above all, the Bureau has collected all statistical data concerning the Jews from publications all over the world. They were made available in a number of monographs and in the journal, *Zeitschrift für Demographie und Statistik der Juden.* All points of view, which are essential for a study of the social phenomena, were duly considered. As far as the existing material was available, an investigation and clarification of many problems were achieved. In several cases the investigations were carried out for the first time, and led often to definitive results. The material obtained from these researches furnished the basis for a scientifically sound opinion of the Jews in the world and of all important phenomena of their existence.

The above-mentioned journal appeared in monthly issues from January 1905 until 1931, although it was not

[11] (London, 1891).

[12] *Stenographisches Protokoll der Verhandlungen des 5. Zionistenkongresses in Basel* (Vienna, 1907), p. 100.

[13] Nossig, *Jüdische Statistik* (Berlin, 1903), p. 23.

[14] When Ruppin went to Palestine in 1908, the author of this essay took his place.

regularly published during the First World War and in the following years.[15] Its greatest merit consisted in utilizing the numerous and important data about the Jews published in the official statistics of many countries. These data had been dispersed among an immense material covering all sorts of conditions. It had been impossible for any researcher to find and evaluate them. The *Zeitschrift* now became the central mouthpiece for all those who were interested in the condition of the Jews in the fields of physiology, civilization, and economy. For a sociological investigation of Jewry as well as for a Jewish social policy the knowledge of the basic facts of Jewish life is indispensable. Thus the results of these statistics were utilized by scholars as well as by the communities and welfare organizations. After only three years of publication of the journal, Ruppin was able to state that the *Zeitschrift* presented thoroughly dependable material, through which statistical figures concerning the Jews in newspapers and elsewhere had become more reliable. Previously, the statistical data about the Jews in the press and in books were meaningless and inaccurate. As a result of the improved quality of the source material, the superficial and tendentious treatment of statistical data about the Jews became much rarer in the press and in Parliament.[16]

The first independent work on the statistics of the Jews published by the Bureau upon the suggestion of the Jewish community of Berlin, had as its subject, "The Share of the Jews in Public Instruction in Prussia" and met a practical need since a bill concerning the support of schools was just then being publicly discussed.[17] All questions relative to this matter were treated in an exhaustive and lucid manner.

A study of the Jews in Russia and their social status

[15] The journal, *Zeitschrift für Demographie und Statistik der Juden*, appeared from 1905 to 1923 (vols. I to XIX), from 1924 to 1927 (New Series, vols. I-IV), and from 1930 to 1931 (New Series, vols. V-VI); the last series was edited by Jacob Segall and Israel Koralnik.

[16] Arthur Ruppin, "Der Stand der Statistik der Juden," *Zeitschrift für Demographie und Statistik der Juden*, III (1907), p. 177.

[17] Arthur Ruppin and Jacob Thon, *Der Anteil der Juden am Unterrichtswesen in Preussen* (Berlin, 1905).

was undertaken under the auspices of the Zionist Action Committee by Arthur Ruppin. In it the official sources were used extensively for the first time.[18] They provide a complete picture of the social status of the Jews in Tsarist Russia. This study was of great value for the critical examination of the Jewish question in Russia as well as for the aid campaigns for the benefit of Russian Jewry.

A publication on the Jewish communities and social organizations in Germany was published with the assistance of the "Gesellschaft zur Förderung der Wissenschaft des Judentums."[19] It was based on material, obtained by means of a questionnaire of the Bureau for Statistics of the Jews. For the first time, we find here a statistical survey about the conditions of all Jewish communities, their religious institutions, their officers and employees, about the situation of the schools, about finance and taxation as well as about the number of members, the years of foundation, the budget, and the financial status of the societies, foundations, and charitable institutions.

Under the auspices of the Austrian B'nai B'rith lodges a work on the Jews in Austria was published in 1908.[20] The sources for this book were the publications of the "Österreichische Zentral Kommission für Statistik" in Vienna and the publications of several statistical bureaus of individual Austrian crown lands. This work covers a period of several years and, in some respects, the entire second half, in others, also the first half of the nineteenth century. In this way a detailed picture of the development of Austrian Jewry is presented. Special stress was laid upon the conditions of the Jews in Galicia. The clarification of the basic facts of the social life of Austrian Jewry in its historical development not only furthered the understanding of modern Jewry, but also offered the needed basis for social and philantropic endeavors.

[18] Arthur Ruppin, *Die sozialen Verhältnisse der Juden in Russland* (Berlin, 1906).

[19] Jacob Thon, *Die jüdischen Gemeinden und Vereine in Deutschland* (Berlin, 1907).

[20] Jacob Thon, *Die Juden in Österreich* (Berlin, 1908).

In the same year the Bureau published a booklet about the Jews in Rumania.[21] In it the entire official statistical material about the Jews in Rumania was expounded. This work met with general interest particularly because it provided a suitable and reliable basis for the efforts to help the Rumanian Jews in their then desperate situation.

Of special importance was an inquiry into the status of the Jews in the Grand Duchy of Hesse.[22] This research work, done at the instigation and with the financial aid of the German Grand Lodge of B'nai B'rith, was intended to be the cornerstone for a thorough and most complete statistical investigation of the conditions of the Jews in Germany. It utilized the official data offered by the Central Office for Statistics of Hesse and original investigations of the Bureau for Statistics of the Jews. The Jewish population in Hesse was then living under social and occupational conditions which differed entirely from those prevailing in the rest of Germany. To a considerable extent, its members were still living in rural communities and in small towns.

The publication on the development of the Jewish population in Munich from 1875 to 1905 was also based on unpublished and official material,[23] and supposed to be the beginning of similar researches which the Bureau planned for several communities. One work was in preparation on the Jewish community of Berlin for which the extensive material had been gathered from the official census of the Department for Statistics of the City of Berlin. The first results were published in the *Zeitschrift*.[24] The planned comprehensive work, however, became frustrated by the outbreak of the First World War. Those researches were intended mainly for practical purposes; for the Jewish communities it was of the utmost importance to become acquainted with their population and its structure. This was not only

[21] Arthur Ruppin, *Die Juden in Rumänien* (Berlin, 1908).

[22] Arthur Ruppin, *Die Juden im Grossherzogtum Hessen* (Berlin, 1909).

[23] Jacob Segall, *Die Entwickelung der jüdischen Bevölkerung in München von 1875-1905* (Berlin, 1909).

[24] Jacob Segall, "Die Juden in Gross-Berlin," *Zeitschrift für Demographie und Statistik der Juden*, X (1914), pp. 121, 151.

indispensable for purposes of taxation and various administrative tasks but also for welfare activities of all sorts in so far as they were to be placed on a sound basis. Previously no material whatsoever had been available. The researches of the Bureau were expected to furnish complete statistics of the communities as to their historical development, carefully distinguishing between sex, age, family status, professional and social position, origin, etc.

A monograph on the Jewish cooperative societies in Russia dealt with the general economic conditions of the Jews in that country together with this important special problem.[25] It had as its basis the then most up to date informations, so that the monograph was a valuable supplement to the preceding publications of the Bureau.

The publication on the vocational and social conditions of the Jews in Germany is based on the results of occupational census and contains an objective presentation of the economic situation of German Jewry shortly before the First World War.[26] In the introduction the problem of fertility is treated extensively and the question of occupational selection is thoroughly discussed. The book has created the basis for various discussions and practical measures.[27]

In the year 1917 a collective work, "Statistics of the Jews" was published.[28] Several fundamental questions of the statistics of the Jews were discussed by experts, among them several directors of state and municipal statistical offices. This work was to appear on the tenth anniversary of the founding of the Bureau (1914). However, a delay was caused by the outbreak of World War I.

[25] Anselm Hillmann, *Das jüdische Genossenschaftswesen in Russland* (Berlin, 1912).

[26] Jacob Segall, *Die beruflichen und sozialen Verhältnisse der Juden in Deutschland* (Berlin, 1913).

[27] Bruno Blau, "Die Aufgaben der Statistik für die Juden der Gegenwart," Beilage zum Bericht der Grossloge für Deutschland U.O.B.B. (January, 1913), p. 6; "Die Aufgaben der Statistik der Juden nach dem Kriege," *Zeitschrift für Demographie und Statistik der Juden*, XII (1916), p. 1; "Die bisherigen Leistungen und künftigen Aufgaben der Statistik der Juden," *Statistik der Juden Beilage zum Bericht der Grossloge für Deutschland U.O.B.B.* (January, 1913), *Demographie und Statistik der Juden*, XV (1919), p. 149.

[28] *Statistik der Juden* (Berlin, 1917).

Several years before that war, the Bureau undertook a tabulation on a wide scale of the complete official statistical material of all the countries of the world, as far as it referred to the individual religions. First of all, the population statistics covered mainly the status of population as well as the migrations. The entire population and the three principal religions were to be treated, so that the work promised to be of outstanding importance not only for the statistics of the Jews but also for the general statistics of the two Christian religions. The entire voluminous material was classified according to uniform points of view; common tabulation headings for all countries were prepared so that the results for the respective countries could be compared; relative numbers were calculated throughout, and by computing these complicated calculations absolute figures were derived, which are not found elsewhere. The practical value of this work was to consist mainly in the fact that the troublesome search for, and employment of, widely scattered source material was rendered superfluous. The part on population statistics was already finished and set in type when World War I broke out. The Treaty of Versailles then changed the map of Europe to such an extent that the whole work became obsolete. One of the few copies produced from the set type, probably the only one still in existence, is in the Library of the Jewish Theological Seminary of America.[29] The director of the Central Office for Statistics of Hesse, Ludwig Knöpfel, who enjoys high reputation in the field of statistics of religion, examined the reliability of the work and declared that such a comprehensive work had never been undertaken before.[30]

At the beginning of World War I, the Bureau of Statistics of the Jews organized an "Ausschuss für Kriegsstatistik" (Board for Statistics of the War). For the first time in Germany, Jewish groups of all shades joined in common work. Complete and objective statistics of Jewish par-

[29] Mentioned in the card catalogue under "Jacob Segal, Statistics of Jews, printed but not published."

[30] *Zeitschrift für Demographie und Statistik der Juden*, IX (1913), p. 182.

ticipation in the war based on independent investigation was the goal. All participating groups were induced to list their members who in any capacity were taking part in the war, and to collect accounts of their activities and destinies up to its end. For this purpose card files were to be kept and the cards currently brought up-to-date. This work was supervised by the Bureau of Statistics of the Jews and the representatives of the various groups on its board. The material obtained in such a way was worked up and published by Jacob Segall.[31] As a result, it was proved that approximately 100,000 Jews had taken an active part in the war; 80,000 of them in action against the enemy. 12,000 were killed; 23,000 were promoted, 2,000 became officers, and 35,000 received war decorations. These numbers show that the German Jews participated in the war in the same way as the rest of the population and that the loss of life among them was proportionately the same as that of the other groups. The usefulness of this work of the Bureau of Statistics of the Jews was later proved, when an effort was made through official German statistics to discriminate against the Jews. This was to be accomplished by recalling Jews from the firing line for a short time so that, when the census was taken, they were counted as being in headquarters area or at home. The publication of these statistics, which were a patent falsification, could be prevented.

The last work of the Bureau of Statistics of the Jews was the "Manual of Jewish Community Administration and Welfare Organization," which appeared in 1925 and was later brought up to date and reissued at certain intervals.[32] The manual contains all information essential for the administration of communities, such as the number of their members, the structure of membership, data on taxation and the financial status of the communities, the withdrawals from the communities, religious conditions, officers and employees, moreover, information about welfare work

[31] Jacob Segall, *Die deutschen Juden als Soldaten im Kriege* 1914-1918 (Berlin, 1921).

[32] *Handbuch der jüdischen Gemeindeverwaltung und Wohlfahrtspflege* (Berlin, 1925).

of the communities, organizations, foundations and charitable institutions, as well as their various activities, their possessions and representatives. Thus a complete picture of all the conditions prevailing in these fields among the Jews was obtained.

In the period after World War I, the work of the Bureau suffered from lack of interest. There was a common belief that, after certain restrictions in Germany had been lifted, a golden era for the Jews would begin. Therefore it was not deemed necessary to pay particular attention to their specific status. As a consequence, the financial support which the Bureau had previously enjoyed, decreased considerably. Besides, new censuses in the various European countries were only carried out gradually and no such publications were available for the time being.

On January first, 1927, the Bureau was merged with the "Akademie für die Wissenschaft des Judentums" in Berlin, which organized a special department for statistics headed by the former director of the Statistical Bureau of the City of Berlin, Professor Dr. Heinrich Silbergleit. As a result of his work a comprehensive statistical survey of the population and vocational conditions of the Jews in Prussia was published in 1931.[33]

Beside its literary work described, the Bureau for Statistics of the Jews answered questions of administrative offices and private persons on subjects related to Jewish statistics. It also spread the knowledge of the sociology of the Jews by means of public lectures.

The work of the Bureau was appreciated by official agencies of the state; e.g., questions of Jewish interest addressed to statistical offices of the state were turned over to the Bureau. The publications of the Bureau were made the basis for the solution of various problems concerning the Jews. Some of these problems were even directly referred to it.

In the German census of 1910 more detailed inquiries

[33] Heinrich Silbergleit, *Die Bevölkerungs-und Berufsverhältnisse der Juden im Deutschen Reich, I: Freistaat Preussen* (Berlin, 1930).

concerning the conditions of the Jews were made in the interest of the work of the Bureau.[34]

Eminent non-Jewish statisticians have repeatedly acknowledged that the work of the Bureau of Statistics of the Jews met all the requirements of modern scholarship and technique and emphasized its great importance even for general statistics.[35] Scholars interested in Jewish statistics used the results of the research work carried out by the Bureau.[36] A book, such as Ruppin's *Soziologie der Juden* would never have been accomplished without it.

In 1931 the activities of the Bureau were terminated. It was hoped that it would be possible to resume the work later. Therefore the stock of the Bureau's own publications together with its library consisting mostly of publications of official statistical institutions were deposited in the "Gesamtarchiv der deutschen Juden" in Berlin.[37]

In the United States of America, too, attention was given to the statistics of the Jews. In 1914 the American Jewish Committee established a Bureau of Jewish Statistics and Research after the pattern of the Berlin Bureau. Its first director was Joseph Jacobs, who had visited the Bureau in Berlin and received information concerning its organization and methods from the present author. Jacobs was later replaced by Harry S. Linfield, Samuel A. Goldsmith, and Julius Drechsler. *Summaries of Events of Jewish Interest* were cur-

[34] *Zeitschrift für Demographie und Statistik der Juden*, VIII (1912), p. 85; XIII (1913), p. 183.

[35] For instance by Georg von Mayr, the eminent German statistician; cf. *Zeitschrift für Demographie und Statistik der Juden*, VIII (1912), p. 95; and by Ludwig Knöpfel, the statistician of religion, in the collective work, *Die Statistik in Deutschland nach ihrem heutigen Stande*, published on the occasion of the seventieth birthday of Georg von Mayr, edited by Friedrich Zahn, I (Munich, 1911), p. 323.

[36] E. g., Martin Philippson, *Neueste Geschichte des jüdischen Volkes*, three vols. (Leipzig, 1907-1911); Werner Sombart, *Die Juden und das Wirtschaftsleben* (Leipzig, 1911); Ignaz Zollschan, *Das Rassenproblem unter besonderer Berücksichtigung der theoretischen Grundlagen der jüdischen Rassenfrage*, third edition (Vienna, 1912); Arthur Ruppin, *Soziologie der Juden*, two vols. (Berlin, 1930-31), and *The Jewish Fate and Future* (London, 1940).

[37] This material together with all the holdings of the Gesamtarchiv was seized by the Gestapo. During the war it was brought for safekeeping to some place in Thuringia where it is still being kept. Until now the Russian occupation authorities have refused its release.

rently issued and, besides, several other publications from Linfield's pen.

For many years the *American Jewish Yearbook* has been publishing statistical tabulations which deal mostly with the Jews in the United States but also with the Jews in other countries. This work is being continued although the Bureau of Statistics of the American Jewish Committee does not exist any longer.

In 1926 the Jewish Community in Lwow (Lemberg) established a statistical bureau under the direction of Kormus Ileiwuch. Nothing is known about the activities of this bureau, however.

At present, the Statistical Bureau of the Synagogue Council of America in New York is the only statistical institution in the United States. Its main field are the statistics of the congregations and their activities. It also tries to ascertain statistical figures for the Jews in the United States. In 1917, 1927, and 1937 surveys were published. Harry S. Linfield, who has been heading the Bureau for a long time, has discussed the methods applied for statistical purposes in America in an article.[38]

For the time being, there exists no agency for the statistics of the Jews in other countries of the world. Yet, there is an urgent need for supplementing the old material with the latest figures, all the more so because in many countries censuses have been taken based on new and improved methods and new fields of statistics have been opened.[39] We have to rely on the results of former times in the European countries, because in North-and South-America, censuses are not taken according to religion, so that we can clarify the social problems from those other statistics which are signi-

[38] "Versuch einer Feststellung der Zahl der Juden in USA," *Zeitschrift für Demographie und Statistik der Juden*, New series V (1930), p. 39. According to recent information, the American Jewish Committee, the Council of Jewish Federations and Welfare Funds, and other Jewish organizations are joining forces for the founding of an "Office for Jewish Population Research" in New York City.

[39] E.g., the numbers of children counted according to individual marriages; see Bruno Blau, "The Frequency of Births in Jewish Marriages," to appear in *Jewish Social Studies*.

ficant also for the Jews of America. Linfield, for example, tried to ascertain the number of the Jews by indirect methods from school absenteeism and the number of burials. It is necessary, however, first to look into the classification as to age-groups and into the mortality of the Jews. Both these aspects differ, according to previous researches, from the analogous phenomena among the non-Jewish population. It is, therefore, by no means possible in calculating the number of the total Jewish population from mortality figures to take as a basis the same relationship of mortality figures to the population figures, as it is done with regard to the total general population.

The necessity of a general Jewish statistical bureau is, furthermore, indicated by the fact, that no agency exists which would make suggestions in the interest of Jewish statistics, when an official census is taken. Germany was the first country after World War II to have taken, in October 1946, a census in all the occupied zones. Its results are now being published. One is the fact that the number of Jews living outside the camps for displaced persons is much larger than it was generally supposed to be. The explanation for this may be found in the circumstance that part of the Jews living in camps had left them and settled outside. For several reasons it is interesting to know how many of the Jews living in Germany now have lived there before. This could have been easily ascertained from the census cards if a classification as to place of birth would have been made. This was not done, however, as nobody suggested it. To undertake such a classification now after the census work has been completed, would mean much additional work and expense. The same applies to a classification as to age groups which was not done separately for the Jewish population, although it is extremely important to know the number of children and of aged persons. If such an agency would exist, as it did before in Germany, it would undoubtedly have undertaken such a specialized census.[40]

[40] Cf. Bruno Blau, "Die erste amtliche Nachkriegsstatistik in Europa," *Jüdisches Gemeindeblatt (Düsseldorf)*, IV (1949), No. 13, p. 7.

It goes without saying that in a modern state like Israel official statistics are kept which meet all modern requirements. Final conclusions can be made only after a stabilization of conditions within the state, and even then only after the results will have been watched for a number of years so that chance results may not present a false picture.

As the census of the Jews in the world can be made only according to the distinguishing factor of religion (the Nazis only counted the Jews also according to "racial" origin[41]) it is desirable to introduce statistics according to religious denominations also in those countries where this has not as yet been done. For scientific reasons this would be useful especially in those lands in which the Jews are not organized in separate communities by compulsory legislation. Where this is the case, the communities are able to give reliable information on the total number of Jews, whereas in other states there is no guaranty whatever that the available statistics of the Jews are solidly based on facts.

Official statistics indicating the religion of the population counted in America, existed only in Canada; outside of America in Australia, Austria, Bulgaria, Czechoslovakia, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Letland, Lithuania, Luxemburg, the Netherlands, Norway, Poland, Portugal, Rumania, Russia, Sweden, Switzerland, Turkey, Yugoslavia, India, Irak, Iran, Lebanon, Syria, Algeria, Egypt, Lybia, Morocco, South Africa, Tripolis, and Tunis. In Belgium, England, and France, however, there are no such statistics as to religion; nor are there any in the Latin and Central American States and the United States. Particularly in countries in which so many Jews live an official census showing their numbers would be of utmost importance, in order to obtain an exact picture of the social conditions under which they live. A practical way and reliable methods for a satisfactory solution of this problem have not been found as yet, however. The indirect methods used are not suitable for this purpose. From the statistics of the con-

[41] *Statistik des Deutschen Reiches*, vol. 552, part 4: "Die Juden und jüdischen Mischlinge im Deutschen Reich" (Berlin, 1944).

gregations no conclusions can be drawn as to the Jews who are not members or as to their total number.

From a scholarly point of view, estimates are permissible only if they have a secure basis which will stand thorough investigation. Estimates of so-called "experts" supposed to be familiar with a given country, are generally of no value.

It is, however, all right, to arrive by interpolation at a missing figure, which can be calculated from several sources, if one or the other is lacking, provided that for its substitution some clues are available. If, for instance, the population figure is to be found for a given year, in which no census has taken place, the results of a previous census may well be used, provided that the figures of births, deaths, emigration and immigration of the between-period are known. Also the figures of conversion from and to Judaism may be supplemented, if the respective figures of the time before and after are known and if the course of development can be followed with some degree of reliability. However, without such a computation basis even the best special knowledge—which, incidentally, can hardly ever be substantiated—is of no avail.

Similarly, social phenomena cannot be accepted without further proof even if they are generally considered as clarified; for, it has happened more than once that assumptions, which were regarded axiomatic, could be refuted without difficulty on the basis of actual figures. To give an example, it may be recalled that during the antisemitic agitation in Germany in the eighteen-seventies the assertion played an important part, that the Jews from the east had overflowed Germany. Salomon Neumann, then director of the Office for Statistics of the City of Berlin, proved on the basis of the official Prussian statistics that statement to be mistaken.[42] In a similar way the fertility of the Jews was almost proverbial until, on closer examination, just the contrary became evident.[43]

[42] Salomon Neumann, *Die Fabel von der jüdischen Masseneinwanderung* (Berlin, 1880).

[43] Arthur Ruppin, "Die sozialen Verhältnisse der Juden in Preussen und Deutschland," Conrads *Jahrbücher für Nationalökonomie und Statistik*, Third

In so far as exact figures are available for the solution of a given problem, all circumstances which may have a bearing on the particular conditions must be examined before these figures are utilized. If there are obstacles in the way of a complete clarification of these circumstances, it will be necessary to confine oneself to giving the absolute figures and, if necessary, to state for which reasons they cannot be utilized further. Particularly high standards should be used in comparing certain phenomena in different countries or different population groups within the same country. Before such comparisons are made, it must be ascertained whether the groups in question are similar as to place, time and state of affairs. If, for example, the numbers of births in several countries are to be compared, one must know whether the preconditions are the same, that means, one must know the ratio of the number of men in relation to that of women; and the age of both, men and women. From this it will be possible to conclude whether the ability to bear children and that of propagation is equal in the countries for which the comparison is to be made.[44] For comparing mortality figures, in addition to the knowledge of the numerical relationship of the sexes and age-groups, it is necessary to know the hygienic conditions in the various countries, particularly whether better preventive measures against sickness are taken in one country or the other. A comparison of criminal statistics is only conceivable if, apart from quite a number of other factors which cannot be men-

Series, XXIII (1902), p. 377; *Die Juden der Gegenwart* (Berlin, 1904), pp. 45, 50; "Das Wachstum der jüdischen Bevölkerung in Preussen," *Zeitschrift für Demographie und Statistik der Juden,* I (1905), No. 6, p. 7; Jacob Thon, "Die Bewegung der jüdischen Bevölkerung in Bayern seit dem Jahr 1876," *Zeitschrift für Demographie und Statistik der Juden,* I (1905), No. 8, p. 9; Ludwig Knöpfel, "Stand und Bewegung der jüdischen Bevölkerung im Grossherzogtum Hessen während des 19. Jahrhunderts," *Zeitschrift für Demographie und Statistik der Juden,* II (1906), p. 85; Jacob Segall, "Stand der jüdischen Bevölkerung in Deutschland," *Zeitschrift für Demographie und Statistik der Juden,* VIII (1912), p. 10.

[44] Liebman Hersch, "De la démographie actuelle à la démographie potentielle" *Mélanges d'études économiques et sociales offerts à M. William E. Rappard (Publications de la Faculté des Sciences économiques et sociales de l'Université de Genève,* vol. VIII, 1944), p. 98 and "Démographie potentielle et vieillissement de la population," *Population,* III (1948), p. 234.

tioned here, the number of the adult criminals of the various groups is known and this number can be compared with the number of sentenced criminals.[45]

These are but a few examples to demonstrate the necessity of thorough research as basis for an objective and really scientific evaluation of statistical figures.

Liebman Hersch emphasized the necessity of the work outlined here.[46] Regarding the problems under consideration, difficulties of many sorts might arise in describing the social phenomena in the life of the Jews. At times, the investigator will arrive at a *non liquet.* But even such a conclusion is often valuable for the prevention of wrong opinions and faulty conclusions which might easily be detrimental from a theoretical as well as a practical point of view.

Any work concerning the sociology of the Jews requires, in addition to a thorough general sociological education, a considerable knowledge of Jewish life, its peculiarities and connections with the surrounding world, both of which can be acquired by special training only. To educate a new generation of Jewish statisticians, which could devote itself successfully to the study of statistics and the sociology of the Jews, it will prove necessary to create special chairs at universities for this subject, as it was done, or is at least intended to be done at the Hebrew University of Jerusalem. Furthermore the founding of a Bureau of the Statistics of the Jews for the countries outside Israel will be indispensable. Only in such an institution will it be possible, as it was done formerly in the Berlin Bureau of Statistics of the Jews, to carry on centralized researches on the statistics of the Jews according to modern scientific principles and standards.[47]

[45] Arthur Ruppin, "Die Kriminalität der Christen und Juden in Deutschland 1899-1902," *Zeitschrift für Demographie und Statistik der Juden,* I (1905), No. 1, p. 6; Bruno Blau, "Die Kriminalität der Juden in Preussen im Jahr 1910," *Zeitschrift für Demographie und Statistik der Juden,* IX (1913), p. 86.

[46] Liebman Hersch, *op. cit.,* p. 55 and 233.

[47] See also Stefan Behr, *Der Bevölkerungsrückgang der deutschen Juden* (Frankfort-on-the-Main, 1925), pp. 41, 69, and Liebmann Hersch, *Le problème démographique juif après la seconde guerre mondiale* (Geneva, 1947), p. 27.

BOOK REVIEWS

Jewish Merchants Between West and East

JEWISH MERCHANT ADVENTURERS: A STUDY OF THE RADANITES. By *L[ouis I.] Rabinowitz.* Edward Goldston. London, 1948. Pp. 212 and 2 maps.

THIS book is based on a passage in *The Book of Routes* (857-874) by Ibn Khordhadbeh, a native of Tabaristan, a Persian geographer and controller of the post and intelligence service in Media (d. *ca* 912). The passage under discussion is entitled: "The Routes of the Jewish Merchants Called Radanites" (p. 9). The "Radanites" or "wayfarers" (p. 178) carried their trade from the west to the borderlands of China and vice versa by four main routes (two by land and two by sea) during the ninth century. Belonging to various nationalities, they spoke a number of the languages necessary to carry on their trade (pp. 153, 201). They were favored by a number of independent circumstances which prevailed during that period. With the disappearance of these circumstances at the end of the ninth century and at the beginning of the tenth, the Radanites vanished from the scene.

These favorable factors were: (1) The blocking of the trade routes between the Christian and Islamic countries for all, except the Jewish traders about the year 800 and throughout the ninth century; (2) the adoption of the Jewish religion by the royal house of the Khazars and part of the nobility at that time (presumably by not more than 4,000 people). This warlike little nation lived between the Black and Caspian Seas; it straddled and controlled the trade routes from east to west and north to south. In addition, Jewish settlements extended eastward to Khorasan; (3) the westward expansion of China under the T'ang dynasty (618-907) and its extensive foreign trade.

Two important documents are reproduced in translation from other sources: (1) the passage from Ibn Khordhadbeh in the "Introduction" (pp. 9-11); and (2) "The passage of Ibn al-Fakih al Hamadani" in the "Appendix" (pp. 198-201), on the same topic. The two passages might well have been placed together in the appendix.

The author has attempted to link up the history of the Jews in Europe and the Near East with that of Central Asia and China in the ninth century. Before writing this book he had published a number of articles in which translated Arabic material and original Hebrew sources

have been used and evaluated.[1] The weakness of these articles and of the book under discussion is largely due to the fact that Rabinowitz is not sufficiently familiar with the pertinent literature on the Far East which contains the key to the problem studied. Most of this literature is written in European languages, but is widely scattered and not easily accessible.

The author has apparently not used the book by J. Tobar, *Inscriptions juives de K'ai-fong-fou* (2nd rev. ed., Shanghai, 1912), which, as far as history is concerned, is superior to White's work, *Chinese Jews*. Stein and Pelliot (p. 52), Laufer (p. 76), Chavannes (pp. 68, 164) are mentioned only cursorily. Rabinowitz could have avoided pitfalls by consulting their various articles on the Chinese Jews. Regarding the Khazars, it might have been worthwhile to draw on J. Marquart's, *Osteuropäische und ostasiatische Streifzüge* (Leipzig, 1903, pp. 5-27).

The story of the Jew Isaac, Charlemagne's emissary to Harun al-Rashid (797-801), is incomplete (pp. 18, 99, 181-182).

Regarding the "marchand arabe Sulayman" (pp. 68, 72, 117, 185, 188), Pelliot concluded in his review of the French translation by G. Ferrand (*T'oung Pao*, XXI (1922), pp. 399 ff.): (1) Abu Said was only the editor of the Arabic work; (2) it is doubtful whether Sulayman actually existed; (3) Abu Said based his account mainly on information received from Ibn Wahab during his stay at Siraf (915) and on contemporary Mohammedan sources.

The Kaifeng Jews (pp. 61, 67, 72, 73, 87, 164), according to the earliest stone inscription of 1489, arrived in China under the Sung dynasty (960-1280). The community erected a synagogue in the year 1163 — Kaifeng was then in the possession of the Liao dynasty — and that is the first authentic date which we have. The later inscriptions are evidently spurious in their reference to the arrival of Jews in Kaifeng before the Sung dynasty. The Jews then were eager to prove that they had lived in China for a long time, because they wanted to avoid the persecutions to which the Chinese secret societies, the Christians, and other minorities were exposed. There is no indication that the Kaifeng community existed at the time of the Radanites.

The book under review is divided into two parts: I. "The Economic and Historical Background," comprising ten historical and geographic chapters, and II. "The Routes of the Radanites" with eleven more chapters, dealing with the routes, the trade in slaves and other com-

[1] "The Routes of the Radanites," *Jewish Quarterly Review*, XXXV, (1945), pp. 251-280; "Eldad ha-Dani and China," *JQR.* XXXVI, (1946), pp. 231-238; "Notes on the Jews of Central Asia (Khorasan)," *Historia Judaica*, VIII (1946), pp. 61-66; in reply to an article by Walter J. Fischel, *ibid.*, VII (1945), pp. 29-50; cf. also "Rejoinder" by Fischel and "Editor's Note," *ibid.*, VIII (1946), pp. 66-68.

modities, and additional historical data. The book includes an appendix, a bibliography, an index, and two small maps.

Only few readers will be familiar with the Radanites. The author should therefore have started his book with a thorough explanatory chapter. The facts regarding the Radanites are scattered over the whole work and even their appellation is explained only towards its end (pp. 108, 178). The author has done extensive reading, indispensable for the vast regions concerned, because the sources are scattered in historical literature of widely divergent fields, but he has been too uncritical with the materials on China and dependencies.

The "select bibliography" serves its purpose. The index, however, is rather unsatisfactory. While taking notes, the reviewer traced the following inaccuracies (without claiming completeness):

Radanites (16 entries in the index); missing: 52, 53, 58, 68, 78, 81, 92, 119, 120, 134, 136, 139, 142, 143, 144, 145, 147, 149, 151, 158, 160, 162-169, 175, 181, 185, 187-190, 191-197, 198-201.

Missing: *Abu Isa* 126; *Kolzum* 160; *Pelliot* 52; erroneous: *Kaifeng* 67 (not 66); *Suleyman* 72 (not 74).

The author has been quite convincing in his contention that practically all the roads between the Christian and Mohammedan countries were blocked and only open to the Jewish merchants or Radanites during the ninth century. The historical data regarding the Khazars are sufficient, but a separate discussion of the Jewish colonies in Central Asia during that period would have been desirable. Rabinowitz has, however, overstressed the importance of the two land routes taken by the Radanites from Khorasan to China. The numerous Jewish settlements along the China coast would indicate that the sea route from India to China was more popular and the use of the land routes rather the exception. The only proof for the presence of Jews in China during that period consists in the two manuscript fragments found by Stein and Pelliot in Chinese Turkestan and the document of Eldad ha-Dani, which is of doubtful authenticity. The story of Ishaq (Isaac), an Arabian Jew of Oman, who supposedly visited China before 932, also speaks for the sea route. His crossing of steep mountains apparently took place inside China and not from India to China as Rabinowitz assumes (pp. 107, 118-119, 126, 182).

In spite of the shortcomings pointed out in this review, it is only fair to acknowledge that the book makes interesting reading and must be considered a very useful pioneer work in this complex and fascinating field of history.

Ithaca, N. Y. RUDOLF LOEWENTHAL

JEWS IN CHINA

"AN ILLUMINATED HEBREW SCROLL OF ESTHER FROM CHINA." By *Cecil Roth.* From *Oriental Art,* London, 1949, pp. 176-181, 3 illustrations.

ROTH acquired the *Megillah,* described in the present article, in 1947 from a private collector in London. The Hebrew calligraphy is "Sephardi" or Spanish. The fly-leaf contains a rubric in Persian written in Hebrew characters, indicating that it was destined for the service on Purim. In addition, it has Chinese illuminations (human figures and decorative emblems). The material of the scroll consists of vellum of two qualities, and the decorations thereon are in different styles. Hence, the scroll "does not represent one manuscript, but fragments of two, which have been combined into one." "It looks as though column 1, which is in a different hand, was replaced at another time, having perhaps been thumbed almost to obliteration."

Chinese-Jewish manuscripts are extremely rare. This scroll is unique, because it is the only illuminated one that has come to light. Moreover, it is the latest known cultural document of the Kaifeng community before its final extinction.[1] The present writer has nothing to add to the careful description by Roth and the conclusions drawn by him. It seems likely that the illuminations were prepared not by a resident of Kaifeng, but rather by a Peking artist (Kaifeng and also Shanghai, before 1820, were probably too unimportant to supply such work at that time).

It is interesting to note that Pierre-Martial Cibot, a Jesuit missionary in China, was intrigued by the Book of Esther. He compared its contents with the customs of the Chinese in his "Parallèlle des moeurs et usages décrits dans le livre d'Esther" [*Mémoires concernant l'histoire, les sciences. . . des Chinois; par les missionnaires de Pékin,* Paris, vol. XIV (1789), pp. 309-516; XV (1791), pp. 1-207].

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[1] Several Kaifeng families are known to be descendants of the original Jewish community, partly from their own family records (traditional in Chinese scholastic and official families) and partly from hearsay. The admixture of Chinese and Mohammedan blood as well as other facts induced them to adopt the various creeds prevalent in China. The family *Shih* actually adopted the Catholic faith in 1924 (cf. R. Loewenthal, "The nomenclature of Jews in China," *Monumenta Serica,* Peiping, XII [1947], pp. 108-110).

American Jewish History

JEWS IN TRANSITION. By *Albert I. Gordon.* University of Minnesota Press. Minneapolis, 1949. Pp. XVIII + 331.

THE city of Minneapolis has a total population of approximately half a million of which about 20,000 (4%) are Jews. The author, who for sixteen years was active in the rabbinate there, knows this community intimately. By applying the measuring rod of the social anthropologist he endeavors to present a study of the changes that have occurred in the religious beliefs, practices and customs of the Jewish community, whose earliest members had immigrated from Europe a little less than a hundred years ago. How the early settlers, their children and grandchildren adapted themselves to the American scene and modified their original cultural patterns as a result of their contacts with other people, is delineated by the author in a concise and well readable account.

The technique employed is that called by sociologists the "participant-observer's" method. Naturally it is geared to a description of the process of acculturation as applied to the present-day scene. That this was the author's primary objective, is indicated by his tables. His research in the divorce rate among Jews from 1890 to 1945 and in the name changes among Jews in Minneapolis from 1901 to 1945 is doubtless painstaking. The other tables with data and figures for the years 1930 to 1936, and 1940 to 1947, are revealing as are the notes on pages 314-317. The case histories of four families which take up about one quarter of the book offer interesting reading (unencumbered by notes of any kind).

The book is not intended to be a work of historiography. It is rather a sociological study. As such it achieves its purpose. The historian would have preferred a more detailed annotation, something that Robert Lynd did in his *Middletown in Transition,* in order to enable the reader to check more readily the data mentioned or discussed. With his antiquarian orientation, the historiographer would have liked to probe deeper into the source material which is still preserved and of interest, such as congregational and institutional minute-books, diaries, land-records, and other documents (cf.,e.g., the works by Joshua Trachtenberg, *Consider the Years: The Story of the Jewish Community of Easton,* 1752-1942, and Hyman B. Grinstein, *The Rise of the Jewish Community of New York,* 1654-1860). For the early history of Minneapolis, an historian would not have relied primarily on a short uncritical printed account by Ruby Dannenbaum, published in 1907 (see *The Reform Advocate,* November 16, 1907) which, however, is not found in the periodical, bearing that name and of that date [*The Reform Advocate* (Chicago), vol. XXXIV, 17th year, no. 13, pp. 397-428]. This is here mentioned not to belittle the author's work but merely to demonstrate the difference between a strictly historical and an anthropological-sociological ap-

proach. The real achievement of Gordon's book lies in the fields of cultural anthropology and the study of social change. The combination of historiography in the traditional manner and of the social sciences, however, will do much to enhance the study of local Jewish history in our country.

American Jewish Historical Society ISIDORE S. MEYER

THE AMERICAN JEWISH YEAR BOOK 5709 (1948-49), Volume 50. Prepared by the Staff of the American Jewish Committee under the direction of *Harry Schneiderman* and *Morris Fine*, Editors. The Jewish Publication Society of America. Philadelphia, 1949. Pp. XVIII + 876.

THE latest volume of *The American Jewish Year Book* follows in the fifty-year old tradition of furnishing a comprehensive and reliable report of Jewish life during the preceding year. In addition to a review of the events of the year, it continues to present directories and statistics, as well as articles on subjects of broader interest.

This year the special articles consist of Oscar and Mary F. Handlin's study, "A Century of Jewish Immigration to the United States," and Harry Schneiderman's survey of *The Year Book* proper on the occasion of its present jubilee. The Handlins' article is ambitious and contains many new insights into the process of Jewish adjustment to the American scene. Especially noteworthy is the application by the Handlins of newer techniques and approaches to the study of social history. The immigrants are here seen as a group, not as a mere conglomeration of individuals. Thus the Handlins succeed in presenting the Jewish arrivals in the context of other immigrant groups and of American history as a whole. Of course, dealing with a large body of material in a highly condensed fashion, they often had to resort to generalizations which one might wish to see more fully substantiated. However, the reader may find further documentation in the selected bibliography appended to this stimulating and very readable essay.

Harry Schneiderman's informative article about the history and development of *The Year Book* is an instructive illustration of how a scholarly institution has grown in response to the needs of the community. Mr. Schneiderman, who has completed thirty years of editorial service with *The Year Book*, combines the fine knowledge of an insider with the detachment of a scholar. Perhaps, with his accustomed modesty, he has gone too far in playing down his personal share in this noteworthy achievement.

Among the reviews of the year in America the articles on "Communal Welfare" by H. L. Lurie, "Education," by Uriah Z. Engelman,

"Religion," by Joshua Trachtenberg and "Palestine in the United Nations and the United States" by Louis Shub are particularly succinct and well-written. They offer valuable summaries of both events and trends in Jewish life in this country. If Sholom Kahn in his article on "Cultural Activities" seems far more extended and somewhat diffuse, this is evidently a reflection of the vast ramification of Jewish culture which would seem to deserve more specialized treatment by several experts.

The reviews of Jewish life abroad are adequate. Naturally, Palestine and the Middle East, where so much of significance has occurred, is most engrossing. But there are other fine reviews, particularly those of Germany and Austria by Boris Sapir, Poland by Leon Shapiro and the Displaced Persons camps by Major Abraham S. Hyman.

The statistics deserve special mention. The study of Jewish communities in the United States has already created some stir. But even more important than the estimates presented by the authors is their trenchant critique of the insufficient current demographic technique in Jewish statistics and their plea for a coordinated drive to gather accurate information about the American Jewish Community. A special research body is the *sine qua non* for the achievement of this end. The studies by Shapiro and Sapir of world Jewish population, and of Sidney Liskofsky of migration are important attempts in difficult fields. They graphically illustrate the great changes in world Jewish population, age structure, etc., which had come in the wake of the Second World War. Such studies are to be encouraged, as is the summary of a B'nai B'rith study of the distribution of Jewish students enrolled in American colleges and universities.

Volume 50 of *The American Jewish Year Book* is a worthy climax to a series that has served the American Jewish community well for half a century.

Columbia University SALO W. BARON

NECROLOGUE

David Philipson

1862 - 1949

ON June 29, 1949, Rabbi David Philipson of Cincinnati died in a Boston Hospital, a few days after attending the sixtieth annual convention of the Central Conference of American Rabbis. He had also been present at its organizational meeting in 1889.

By virtue of his many contributions to the history of American Jewry, Dr. Philipson was an historian whose works we shall consult for many years to come. We are grateful for his translation of Isaac Mayer Wise's *Reminiscences* (1901), his biography of *Max Lilienthal* (1915), his indispensable *The Reform Movement in Judaism* (1907; 2nd revised ed., 1931), his history of his own congregation (1894, 1924) and of the Hebrew Union College (1925), as well as several significant articles in the *Dictionary of American Biography* (1946) and many other works and essays too numerous to mention. For all his busy rabbinical career, he was a student to the end of his life.

But David Philipson was not only an historian; he was an historic figure. His age and the intimate nature of his association with major institutions and figures and developments in American Jewish life for seventy-five years made him a veritable repository of the past. At the very end, a week before his death, he was telling the present writer colorful details of the first weeks in the existence of the Hebrew Union College in 1875 when he, as a boy of 13, came to Cincinnati from Columbus to enroll as a member of the first class of Dr. Wise's new institution. His remarkable memory for facts and names and details of events long ago made conversations with him a re-living of the formative years of contemporary American Jewish life. With his passing, we lose more than a friend, a leader, a fine rabbi—we lose a link with yesterday: he, the pupil and friend of Isaac Mayer Wise and Max Lilienthal, and the classmate of Joseph Krauskopf and Henry Berkowitz, was the teacher of two successive presidents of the Hebrew Union College, Julian Morgenstern and Nelson Glueck. He belonged not to one generation—but to four!

Despite his age and several bouts with illness during more recent years, Dr. Philipson was alert and aware and interested to the last. He read voraciously and wrote as frequently as his health would permit. He

had conducted his last meeting of the editorial board of *The Hebrew Union College Annual* only a few weeks before his passing. Only a few months ago he attended a meeting in Philadelphia of the Jewish Publication Society—he was the last of the great scholars who had edited the JPS Bible and he loved to tell his friends that the fee he received for that task had been given to the Hebrew Union College to endow a fellowship in American Jewish History in memory of his wife.

Dr. Philipson is no longer with us. But his recollections will live as long as we live; we will be telling his stories for many years to come; and it will not be very long before historians begin to evaluate his life and his contributions to the American Jewish community.

Hebrew Union College BERTRAM W. KORN

NOTICES OF RECENT PUBLICATIONS

[Various Authors], *Anglo-Jewish Notabilities: Their Arms and Testamentary Dispositions.* Jewish Historical Society of England. London, 1949. 233 pp.

Martin Buber, *The Prophetic Faith.* The Macmillan Company. New York, 1949. 247 pp.

Morris Raphael Cohen, *A Dreamer's Journey.* The Beacon Press. Boston, Mass., 1949. XII + 318 pp.

Ernst Robert Curtius, *Europäische Literatur und lateinisches Mittelalter.* A. Francke A. G. Verlag. Bern [Switzerland], 1948. 601 pp.

Louis Finkelstein [editor], *American Spiritual Autobiographies: Fifteen Self-Portraits.* Harper and Brothers. New York, 1948. XVI + 276 pp.

Oscar Benjamin Frankl, *Theodor Herzl; The Jew and the Man: A Portrait.* Storm Publishers. New York, 1949. 190 pp.

The Haggadah of Passover. A Faithful English Rendering by Abraham Regelson; illustrated by Siegmund Forst. Introductory Notes and Supplement by Sidney B. Hoenig, with the Traditional Songs by Joshua S. Weisser. Shulsinger Brothers. New York, 1949. 64 + 64 pp.

Boris Kader, *Eleazar Atlas* (1851-1904), *Hebrew Critic and Publicist.* Shulsinger Bros. New York, 1949. 12 pp. [Yiddish].

Guido Kisch, *The Jews in Medieval Germany: A Study of Their Legal and Social Status.* University of Chicago Press. Chicago, Ill., 1949. XVI + 655 pp.

Guido Kisch, *Pseudo-Philo's Liber Antiquitatum Biblicarum.* [Publications in Mediaeval Studies, Vol. X]. University of Notre Dame. Notre Dame, Indiana. VI + 277 pp. with 10 illustrations.

Arthur Koestler, *Promise and Fulfilment: Palestine* 1917-1949. The Macmillan Company. New York, 1949. XVI + 335 pp.

Hans Kohn, *The Twentieth Century: A Midway Account of the Western World.* The Macmillan Company. New York, 1949. XI + 242 pp.

John L. LaMonte, *The World of the Middle Ages: A Reorientation of Medieval History.* Appleton-Century-Crofts, Inc. New York, 1949. XXI + 827 pp.

Mordecai Kosover and Abraham G. Duker, *Minha L'Yitshaq (An Offering to Isaac): A Bibliography of the Writings of Isaac Rivkind.* Jewish Librarians' Association. New York, 1949. XV + 81 pp.

Pablo Link, *Bases del Judaismo.* [No publisher's name given]. Buenos Aires, 1948. 234 pp.

James Parkes, *A History of Palestine from 135 A.D. to Modern Times.* Oxford University Press. New York, 1949. 391 pp.

Judah Rosenthal, *Hiwi Al-Balkhi: A Comparative Study.* Dropsie College. Philadelphia, 1949. 59 pp.

Zevi Scharfstein, *History of Jewish Education in Modern Times.* Volume III. Shilo Publishing House. New York, 1949. XI + 333 pp.

Hans Joachim Schoeps, *Theologie und Geschichte des Judenchristentums.* Verlag J. C. B. Mohr (Paul Siebeck). Tübingen, 1949. V + 526 pp.

A. T. Shrock, *Jonah ben Abraham of Gerona.* Edward Goldston and Son Ltd. London, 1948. 197 pp.

Henry Osborn Taylor, *The Mediaeval Mind: A History of the Development of Thought and Emotion in the Middle Ages.* Two volumes. Fourth Edition. Harvard University Press. Cambridge, Mass., 1949. XIX + 603 and VIII + 620 pp.

Mark Wischnitzer, *To Dwell in Safety: The Story of Jewish Migration Since 1800.* Jewish Publication Society of America. Philadelphia, 1948. XXV + 368 pp.

Rachel Wischnitzer, *The Messianic Theme in the Paintings of the Dura Synagogue.* The University of Chicago Press. Chicago, Ill., 1948. XII + 135 pp. with 50 illustrations.

James Waterman Wise, *Legend of Louise: The Life Story of Mrs. Stephen S. Wise.* Jewish Opinion Publishing Corporation. New York, 1949. 96 pp.

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Historia Judaica

THE JEWISH QUESTION AS A PROBLEM OF NATIONALISM

By RAPHAEL STRAUS*

NATIONALITY AS A NATURAL AND HISTORICAL PRODUCT

JUST as an individual first becomes conscious of his distinctive personality through social intercourse, so nations begin to reflect about their individuality, about those very qualities which differentiate them from other peoples, when they come into close contact with them. For this reason, national consciousness is a relatively new phenomenon. It has only begun to flourish since 1850, since the enormous rise of international relations through the expansion of world commerce to the position of significance in which we encounter it at present. In as late a period as the Middle Ages, a German bishop (Otto von Freising) could designate even the neighboring Frenchmen and Englishmen as insignificant and completely "unknown nations." Even as late as 1800 Frenchmen traveled to Prussia, and Prussians like Humboldt went on expeditions to France, and then reported them, just as nowadays European explorers bring back reports about Tibet or the South Sea Islands. As late as the early nineteenth

* EDITOR'S NOTE. This essay is a chapter from Raphael Straus' unpublished work, *Historische Grundlagen der heutigen Judenfrage*, which was written during the years 1937 to 1939. The author, a fine, well-trained historian, was born and educated in Germany; after 1933 he lived in Jerusalem, and died in 1947 in New York City, only one year after his arrival there. A necrologue appeared in *Historia Judaica*, IX (1947), pp. 201-202. The translation from the German was done by Jacob Sloan. It is to be hoped that the complete work, whose originality of approach is evidenced by the present article, will soon find a publisher.

century, the feeling of national kinship was much more weakly developed than those feelings that rested on other bases, particularly church and regional sentiments. Even for the young Goethe (1771) his "fatherland" is only there where "we find a place to lay down our possessions, a field to give us nourishment, a house to give us shelter" and—he continues—where "Roman patriotism" reigns, "we shall find no chair to sit on, no bed to lie in."

If the sentiment of nationalism first comes into being with the increase in international contacts, the national structure develops through an historical process of give and take with neighboring nations. True, today almost every European—including most scholars—regards nationality as a natural condition which has, it is true, been modified by historical development—no nation remains in its original pristine state for centuries— but which, ultimately, still persists in a form close to its original one, and shall one day consolidate it completely. But on the other hand the historians and sociologists are well enough aware—though for the most part unwillingly—that even the oldest and apparently most stable of nations are involved in a process of perpetual formation and reformation, and were and are defined most strongly to this very day by a factor which has nothing at all to do with natural structure—military aggression.

The most important factor in the formation of nations was and remains the iron fist of war. War merges victor with victim, native with alien soldiers, looter with captive and captive's descendants. Next in importance to war as a factor in the formation of nations is economic interest; in the course of time it makes another homeland of the most alien of countries. War was the more active factor in the formation of nations in the more antique times, economic interest is more active in more recent times, but both factors are constantly at work.

Native and Alien

The relationship between native and alien which—consciously or unconsciously, named or unnamed—affects the

formation and reformation of a nation is extremely complex. All young nations are taught the achievements of more advanced foreign nations through the latters' missionaries and emissaries, and trained intensively until they can discover their own course by themselves. This was as true for ancient Israel as it was for the ancient Greeks, for the Arabs as for the Germans. It is true of all periods of history—without these active exchanges there would be no historical development—and it is still true today. One can gauge the extent of these exchanges in more modern times by the fact that as late as 1680 one-sixth of the inhabitants of Berlin and one-sixth of all the Prussian officers were French.

Under the influence of aliens who can teach the new way of life the transformation of a nation from a state of nature to one of culture takes place. During the early stages of this development the beneficent effect of that influence is so notorious that aliens are received with open arms—the Phoenician merchants in Judea as in Argolis, the Greeks in Sicily as in the Crimea, the Englishmen in Hamburg as in Australia, and, finally, even the Jews throughout the world. During the late stages of this development the circumstances are less clear, though not less effective, for the cultural stimulation provided by aliens is still welcomed, even in its more advanced form, that of industrial espionage. Whatever national pride in the twentieth century may dictate, whether the field be art or technology, religion or science, achievements are possible only through the cooperation of alien and native resources. Sometimes it is the invention itself that is the work of an alien; sometimes it is its development, sometimes it is its transference into native areas, sometimes it is the adaptation that is indispensable to that transference. During the early stages of the development of the nation the supremacy of aliens is so apparent that they are appointed before all others to ministries and charged with affairs of state. For long periods of time it was customary to entrust Christians or Jews with such affairs in Mohammedan countries. Even during the German Middle Ages it was known to happen that aliens were deliberately elected mayors,

because as aliens they were free of all local partisanship and therefore could be so much more useful to the city as a whole. The acceptance of aliens into the intimacy of the nation is the price which all peoples have to pay for their participation in world culture, world commerce, and world intercourse.

There can be no doubt that all aliens prove themselves useful in the lands that are their homes by election and destiny; that again is the price that they must pay for the right to a homeland. In this co-residence and cooperation of natives and aliens, the latter are to begin with something in the order of "guests." That is the standing expression for this relationship in all periods; it is as true of the German Middle Ages as of the ancient Romans (*hospes*), of the ancient Greeks (*xenos*) as of the ancient Jews (*ger*). From this enduring guest-host relationship there develops naturally a servant-master relationship, and finally in the course of centuries a relationship of equality. During the course of this development the original rock of alienation is eroded into a configuration in which—so far as relates to actual life—the native character reigns supreme, but in which many peculiarities of way of life and psychological functions are transmitted by heredity. Alienation then persists for centuries in this weak form, strengthened from within by its own traditions and attachments, powerfully activated from without whenever in some critical moment the memory of the originally greater alienation is unkindly stressed once more. If one wishes sharply to demarcate the relationship that develops in the course of time, it may be designated as semi-alienation. However, not much is accomplished by this designation, for there are innumerable shadings ranging from almost complete alienation to almost complete assimilation.

The Operation of Symbiosis

One finds such intermediate patterns among all peoples who due to their antiquity or their large population have been confronted with many destinies. Every nation at one

time in the course of its history faces the necessity for part of its members to emigrate and in an alien country become natives possessing characteristics with alien accents and at the same time to remain aliens possessing acquired native traits. The uncertainties of their life, as well as of the opinions concerning them which grow out of that situation, are always approximately the same, whether Germans in Transylvania, Russia or Palestine be concerned, Italians or Spaniards in America, or Jews throughout the world. They all retain special features in their language, national memories, indeed, their old feeling of national kinship, which now—considered from the point of view of their new homeland—appear to be "international ties." In a certain sense they all have two nationalities. Only marriage can in time reduce this dual bond to its normal singleness, just as the German Vandals and Goths of old have long ago become "Semitic" Algerians, Tunisians, Berbers and "Roman" Spaniards on the soil of North Africa and Spain. The leveling effect of marriage fails only where, in addition to the original alienation in respect to nationality, a religious dissention persists that sharply limits the natural and historically inevitable process of leveling, without quite preventing it entirely.

The German thinkers—particularly in the best and calmest periods in the history of their fatherland—have investigated and noted this natural diversity as one prerequisite for the formation of national character and structure. "Historic life must combine the *contra* of the one party and the *pro* of the other, and by so doing recognize one of those deep divisions within historic life that are not resolvable through being recognized. Every phenomenon of history is symbiosis" (Friedrich Meinecke). Another thinker stated in the same vein that a nation's withdrawal from alien influence is "a symptom of disease," and that "a national peculiarity which can not be maintained in the peaceable competition of nations is not worthy of being maintained" (Ludwig von Bar). The fact that all the streams of historic life cannot be clearly traced to their springs may leave the logician unsatisfied, but he would in the end only be composing a

mental simplification of the natural diversity, and his supposed clarity would be a misconception. The great upheavals and interminglings of nations repeatedly associated with the course of history have so blurred the national boundaries that to a great extent the question of which nation an individual belongs to has to be left to his own free choice—this as a matter of fact was what was done after World War I in so many European "areas subject to plebescite." There are sharply defined boundaries between states, because boundary posts have been set up by mutual agreement. But even these are continually being moved back and forth. There are no fixed boundaries between the nations themselves; with every journey into a foreign country, with every international economic agreement, with every reading of a foreign-language newspaper, these boundaries are disturbed. By the adoption of an Oriental religion which is a common cultural basis for almost all of the peoples of Europe and America, by a two-thousand-year-old folk migration from West to East and from East to West, the original boundaries of the nations have long ago been revised to the point of unrecognizability. No amount of self-deception can disguise the fact that cultural progress is tied to international exchange, and that international exchange has led to international equalization of character in the past and must lead to the same result in the future. In the course of its continuous, gradual progress historic development recognizes no such unalterable entities as a flattering philosophy has revealed with its "pleasant cunning" and which demagoguery, incomparably more cunning, has made use of so frequently, by "making the idea of nationalism a label, an advertising slogan for purely pragmatic efforts" (Friedrich Meinecke). In the gradual course of development the small continually becomes large and the large small, many families become a tribe, tribes that live in the same country a nation. Out of the concentration of tribes and nations a state-nation arises which, in turn, disintegrates and releases its individual components to be incorporated in new national structures. In the course of this gradual development the Jews, too, occupy

at times a more sharply delineated special and alien position, at times a more indistinct position, at times a position as a group that has been isolated and almost completely annihilated.

Since actual life for the Jews flows in several broad streams, like a river to which fate has alloted no secure and single bed, their outlooks about their historic position must necessarily be many. There are Jewish nationalist groups (Zionists) and Jewish groups that have accepted foreign nationalities (have been Anglicized, Germanized, Slavicized) none of which can from an overall point of view be recognized as decisively preponderant in the consciousness and identification of the Jews. Ranging from the groups that subscribe to the feeling of Jewish nationalism—preponderant throughout Eastern and Southeastern Europe—to the Jews of Central and Western Europe, the majority of whom just as decisively assert their identification as members of European nations, we find all the nuances which can, and indeed must, be represented because of the diversity of their historical situations.

But as diverse as are the Jews' feelings concerning their own identification are the judgments which are expressed by others about the Jews. Some find fault with the "stubborn national pride," which holds them fast to their "antediluvian" religious and national customs; others, on the contrary, find fault with their "cosmopolitanism" and the variability of their national character. The first group of critics recommends to the Jews that they hasten to complete their assimilation to their environment, their religion to be the price of acceptance, so that both they and their environment will be spared the problems of their minority existence in the future; the other group of critics perceives in such efforts nothing more than an unjustified, indeed perhaps useless, opportunism. In their totality these judgments reflect only the circumstances of Jewish life, rendered all the more arduous by their diversity. The multiplicity of opinions only matches the multiplicity of the Jewish situations, and he who wishes to measure and evaluate the gradual and

declining alienation of the Jews, whose mass and shape differs from country to country and period to period, will come into the same state of confusion over the interpretation of their fate as the Jews themselves. That proves as true in the realm of theory and science, as in that of practical and political life.

The search into the significance of the Jews in the national life of the peoples among whom they live cannot be undertaken in doctrinaire fashion. Every attempt of this type is fruitless, because the course of history has planted the accomplishments and effects of Jewish life in various soils. Parelleling their diversity, Jewish individuality has developed a diversity of its own which prohibits a hard and fast statement concerning the degree of the Jews' "alienation" and "assimilation," the preservation of their national originality or its loss. The indistinctness of any such outline is shown in politics by the fact that whenever there has been an attempt to excise the Jews as "alien bodies," parts of the national body that are undoubtedly native have had to be excised at the same time. Whenever an attempt is begun to measure alienation by the ell, those very organs of the nation through which it is linked to the world and whose energy it must share, degenerate. Thus, the self-evident result of so many centuries of symbiosis is that every excess against the Jews becomes a self-mutilation.

Two phenomena of Jewish history have been regarded as the most rational and apparently incontrovertible proof of the continuance of the Jewish situation as aliens among the peoples of the earth—hence, also as the most rational explanation of the Jewish question in general: first, the continuous chain of Jewish persecutions; and, second, the alleged Jewish migratory drive. These phenomena, which seem to attest to the treatment of the Jews as aliens on the one hand, and their own behavior as such, on the other, can only arise if one limits one's gaze to developments on the Jewish scene, and forgets that both of these—persecutions and migrations—are in no smaller degree to be found in a non-Jewish environment.

One draws more conclusions from the persecutions of the Jews than they warrant if one overlooks the fact that they only take place in periods and countries where persecution and acts of violence are in general the form of religious or political dispute, and that one Christian denomination's persecutions of another are at least as passionate as the acts of violence directed against the Jews. Though bloodshed appears to be completely excluded, among the largest Christian denominations today, one must not forget that the price for this peace was paid in advance with streams of blood from the thirteenth to the seventeenth century—completely ignoring more ancient events—and that numberless denominational dissenters were almost completely exterminated during all periods. The fact that the persecutions of the Jews were contemporaneous with those events attests to the intrinsic relationship between both phenomena. Their persecutions cannot serve as evidence of the alien character of the Jews, for the parallel to "persecutions of natives" is far too obvious.

On the other hand, we must omit from our consideration all those migrations which were evoked by persecutions. The Jewish part in these migrations is like that of the numerous Christian minorities who are obliged to emigrate. But when we consider the migrations whose origin is economic —very understandably—the universal character of the phenomena comes to light again. Reference has justifiably been made to the "symmetry in the movement of the price of rye and that of emigration" (W. Mönckmeier). In other words: persistent high prices evoke emigration, obviously, of all those who are affected. Economic crises, which before the development of industry usually went hand in glove with the high prices of food, produced the same results, and, once again, everyone is affected. Thus during the "hunger years" of 1816-17 and during the critical years of the eighth and ninth decades of the nineteenth century, one sees a considerable rise in emigration from Germany among Jews as well as among non-Jews. But the same is true for those economic migrations of individuals which are evoked not

by domestic economic depression but by the economic attraction of alien, particularly colonial, countries. It may be that a relatively high proportion of Jews participated in these migrations, because almost all of the Jews were urban, and, as such, participated to a greater extent in these migrations. But there is no basic Jewish peculiarity in this fact, nothing to justify talk about a peculiar Jewish migratory mobility, a Jewish "nomadism" which would be evidence of their alien situation in their countries of residence.

The Uneasiness Occasioned by Symbiosis

Though the delimitation or differentiation of the alien admixtures within a nation is fruitless in terms of political theory and practice, it is nevertheless a notorious emotional need. An Italian author, Benedetto Croce, has named the mood which is the ground for these efforts "homesickness." As a matter of fact, one always finds the existence of a schism, among the common people as well among the intelligentsia, between that which the heart would like to believe and that which knowledge demonstrates to be the historic but melancholy truth: between the hope that our ancestors in the most ancient times and our descendants in the distant future were and shall be like ourselves in every essential characteristic, so that a national continuity assures us of immortality while yet on earth—and the knowledge that the nations are "works of art" (R. Leonhardt), and that no one possesses anything in the great stream of humanity that he can rightly call his own.

There are peoples who suffer more than others from this schism, peoples who, because of special circumstances—a middle geographic position, or political circumstances which have a similar effect—must live in the uneasy state of being further from the realization of that idyll than other peoples, and of having to come to terms to a greater extent than other peoples with alien influences. Such peoples sink so much the more readily into a state of nationalistic hypersensitivity in which they feel that life owes them

a great deal. Such phenomena are familiar to us from the case of the Germans who—as a result of their middle geographic position in Europe—have experienced a great deal of "foreign influence," in the good as well as in the bad sense of the word, in the past, and may expect the same in the future—despite all their defensive convulsions. But it has been correctly pointed out recently that similar phenomena take place among other peoples in Central Europe as well, peoples like the Poles and the Czechs, who live under the same difficult conditions as the Germans in many geographic and historical aspects. These peoples obviously vary greatly both in terms of their expression and in their reaction to the Jewish question (E. Lemberg). Nations whom fate has exposed all too unkindly to the draft of eternal uneasiness to a large extent lack inner assurance: nowhere is there so much nationalistic sullenness in continual conflict with cosmopolitan selflessness than is the case with those peoples whose thoughts and feelings fate has complicated along with the conditions of their life. They long for a militarily uniform "uncontestible philosophy of life" (M. Gröner), because the diversity of the real world is so great that it can no longer be imprisoned.

In such areas of heightened sensitivity, every injury associated with the course of history quickly evokes a passionately refractory attitude. Thus, the inner tension in Germany, for example, reached a point where a German historian of the nineteenth century, Theodor Mommsen, could comment that, on considering the feuds among the German tribes, one might come to the conclusion "that not love of one's neighbor, but rather hatred of one's neighbor, is the distinctive element in German history." As a matter of fact, this emotional hypertension runs through German history until far into the generally peaceful nineteenth century. As late as 1785, no Catholic or Calvinist could become a handicraftsman in Frankfurt-on-the Main, owing to the persistence of the old guild notions. As late as 1820, the Prussians appeared to the Southern Germans so "cunning and unreliable" that they were never considered fit for mili-

tary service. As late as 1845, interdenominational relations were so tense that the King of Prussia could designate Protestant-Catholic intermarriage as "swinish weddings." When, in conclusion, the founding of the new German Reich and its legislation put an end to these inner tensions, the violent passion turned outward. The generally admired German historian of those days, Heinrich von Treitschke, regarded all the neighbors of the Germans, from the Poles through the Magyars to the French, with the bitterest aversion, and he was not alone in this stand. The feeling of hate and its "exhibition" (W. Mitscherlich) was one of the most prominent characteristics of the young German nationalism of that period.

In general, such sensitivities—one need not limit them to Germany—burst into flame only at critical moments, but they are always smoldering under the ashes in every inflammable people who occupy a middle position, and they burst forth most dangerously against the Jews, who occupy an ever-marked alien position.

It was in this atmosphere of an impatience ever present and greatly exacerbated by the defeat in the War of 1918 and its consequences that the attempt was made in Germany to endow the figure of Jewish "alienation," which had previously been very weak, with a new meaning, that of a rock that endures throughout all periods. In order that there might be a basis for this desired stress on the alien position of the Jew—which was contrary to the apparent conjunction of all differing cultural and domestic values and contrary to the slight political significance previously attached to religious dissent—the concept of an unalterable special position, based on "blood" and zoological rank, was created for the Jews.

In reality, this very alien "blood" relationship of the European Jews to their environment was more than questionable. Renan once expressed the opinion that for a long time there had been no true Jews by descent in Europe, but only descendants of the Romans, Gauls, etc., who had been converted to Judaism during late antiquity. Graetz appar-

ently held the similar belief that during the earlier part of the period of the Roman Empire there were more heathens converted to Judaism than there were "true Jews" at the time. The attempts undertaken by "racial studies" seem to confirm this fact, for they resulted in the discovery of no common somatic characteristic among Jewry. Throughout all periods—including the Middle Ages, but in a particularly lively fashion during antiquity and again during the nineteenth century—so great an interchange of blood took place because of religious conversion and intermarriage that there can be no serious talk about distinctions based on blood. Goethe's joke: "Everyone in this country is related to Israel in one way or another" ("Es ist ein jeglicher in deinem ganzen Land auf ein und andre Art mit Israel verwandt") is completely true for most of Europe. It is absurd to assume anything else to be the case after a symbiosis of an average of a millenium and a half. But, of course, a certain amount of mutual alienation still remains, despite the perpetual transitions back and forth between Jews and non-Jews. This alienation is based on those various factors of religion and historic development because of which the Jews were assigned to economic tasks of a special type.

The Mystification of the Jews

However, not only the population of Central Europe, but humanity as a whole, occupies only for a short historic moment a tolerable middle position between contentment and anxiety, patience and irritability. Somewhere, someone is always on the point of springing at the alien. One part of humanity is always irritated to the point where it lends a willing ear to the agitation of demagogues who in their way falsify the complicated historic facts of the case by simplifying and reducing them to their original primitive form. That is to say, they reduce the individual who is in the process of adapting himself, to his former position as an alien, and—in the old barbaric manner—then represent every alien as an enemy. The less reliable the judgment that results in

such demonstrations, the more vocal and exaggerated they must be in order to appear credible despite all the evidence of actual life. The historic truth has no necessity for the eloquence demagoguery always requires. It is its own witness.

All demonstrations of xenophobia are alike in the fact that they are an attempt to justify themselves by discriminating against and defaming their victims. These self-justifications always express themselves in the same form, regardless of the character of the alien's situation, whether religious or national differences be involved. In this respect, the persecutions of the Christians in the heathen Roman Empire from the first to the third centuries resemble an original picture of which the later persecutions of the Jews by the Christians are copies. Neither the finest nor the crudest touches are missing. The same rebuke is cast at the Christian religion because of its imperfection when compared with the heathen religion, the same charge that the new religion is destroying the patriarchal tradition, fomenting a revolutionary attitude and conspiratorial tendencies, represents a danger to the interests of the state, is a form of social withdrawal and a source of inordinate pride—even the accusation that the early Christians practiced infanticide for ritual or other undefined purposes was present. But, understandably, exactly as the attacks upon the early Christians were similar to the attacks upon the Jews, so the vindication of the early Christians was similar in nature to the modern defense of the Jews. Long passages from the *Apologeticum* by Tertullian, one of the oldest Christian authors, could be thought to have been written in behalf of the medieval Jews, if one but changes the object of the vindication. But even intelligent persons who abhor the crude demagogic nonsense employ the same expressions to denote their aversion for the minority, whether reference is being made to the Christian minority among the Romans, or the Jewish among the Christians, to the second century or the twentieth. A discreet Roman Christophobe remarks: "Gaius Seius is a fine fellow, but he is a Christian!" (Tertullianus, *Apologeticum,* c.3)—while a latter-day anti-Semite

says the identical thing: "A clever, apt fellow—but an awful Hebrew, you know!" (Eduard Meyer, *Nordamerika*). For a time the Calvinist Netherlanders, as religious dissenters in England and Germany (seventeenth century), the Germans as national minorities in Russia and Spain, and the Christians among the Mohammedans, are all the subjects of similar judgments. Even the Boxers in China attempted in 1900 to attribute the same crime of infanticide to the invading European military forces that the Romans had attributed to the Christians during antiquity and the Christians to the Jews during the Middle Ages.

Though the Jewish problem stands out so clearly as a variation of the general minority problem, yet during the course of two thousand years it has gained a special note of urgency. The outbreaks of instinctive xenophobia threaten other minorities as well, but they crystallize first around the Jewish object. For, always and everywhere, the Jews present themselves to xenophobia as a group whose persecution can evoke no retaliation or incur any other disadvantage, and a group, therefore, whose persecution comprises the slightest political risk. Hence, the Jews are always threatened more strongly than other groups. Their defenselessness provokes demagoguery. The demagogue has no fairer game anywhere.

Having been more exposed to such excesses than other groups, the Jews have also been in the hands of the accompanying defamation more persistently than the others, as well. Because they were regarded for seventy generations as nothing but a minority, defamation was able to fasten on to their heels with such stubbornness that in the end the Jewish problem was not recognized in its true character—as a minority problem—but was considered a unique and separate problem, whose roots were sought in the way of life of the Jews rather than in their historic situation.

In this way there has come about that remarkable mystification of the Jews which has been as widely accepted in the popular mind as it has in literature. It consists on the one hand of a frequently superstitious overestimation of the

abilities, possessions, and the influence of the Jews, and on the other hand of an underestimation of their moral qualities. Often this hypercriticism is capped by the palpable nonsense that the Jews are endowed by nature with a psychological structure different from that of other peoples. This literature surrounding the Jewish question—from Lagarde to Belloc—has lost itself to such an extent in the realm of pure imagination that a modern author, more enlightened in his opinions, finds it necessary to state expressly such a fact as self-evident as "that the Jewish problem, like others, has its roots in history and in human nature" (James W. Parkes).

One perceives how other minority relationships are now and have been protected in the historical past from fanciful stretches of the imagination and from deterioration. At the same time one perceives that miscarriages of justice, though, alas, far from rare, correct themselves, for the process of history ultimately places every minority in a new and different relationship with its environment. One day the former Christian minority in the old Roman Empire took power, so that the relationships were reversed, and the heathens, now themselves the minority, were forced to suffer all manner of hardship until they were absorbed by the new majority. On the other hand, where national splinter groups remain minorities for a long time, they generally appear only as emissaries from definite points on the globe. The aversion which the Netherland minorities aroused in England and Germany around 1600, the Germans in Italy during the Middle Ages, the Europeans in China during the nineteenth century, could not lead to a permanent defamation of Netherlanders, Germans or Europeans as a whole, because their native centers lay open to view—in the bright light of history—in their breadth and entirety.

The greatest merit of the Zionist colonization of Palestine is its creation of just such a visible stage where the actuality of Jewish existence can be exhibited as well. A vital Jewish commonwealth would guarantee the exercise by critics of the Jews of that self-control which appearances

make most possible, and by doing so demonstrate the invalidity of any discrimination against the Jews.

But an acceptance of this organized insight into the variety and lack of clarity of the real character of Jewish life would certainly never free the Jews from their problems in terms of the world situation. The decisive majority of the Jews would remain then, too, in the clutches of the problems which continue to be associated with their unaltered presence as a minority. But then they would be facing only those problems which real, actual life entails, such as other groups face, too. Thus, the Jewish question would be stripped of its unparalleled singularity and deliberately exaggerated virulence, and reduced to the size of a true political problem. It would then also be demonstrated that the significance of the Jewish question, as a whole, is—except for the Jews themselves—inconsiderable; and that the only real political significance of the Jewish question exists in areas—such as in Poland—where there is a very large Jewish minority (over 10 per cent) in the context of a relatively small urban economic capacity.

Obviously, there have always been individuals who have been protected from the mystification of the Jews and the exaggeration of the Jewish question through their own critical talents. Individuals who, because of the conditions of their life, experience in government, scientific studies, and practical contacts that include many relationships, have gained knowledge of and experience in the world, are clearest on the subject. They form the natural counterpoise to those individuals of limited vision who usually plot the anti-Jewish agitations, as well as those fanciful literati who lend them their intellectual scope. For a man like Wilhelm von Humboldt, the German statesman who had traveled widely and was highly cultured, there was no question, at the time of the dawn of the emancipation of the Jews (1810) that, if only "their bound hands were freed, [the Jews] would arrive at the same stage where all man naturally are." There are always a large number of such rational individuals to oppose the doctrinaires and the demagogues who are re-

verting to a wild state. The influence of these individuals achieves in the end an equilibrium between the perilous existence of the minorities and the more peaceful existence of the autochthons, an equilibrium that is tolerable, though still fraught with care. There are always recurrent excesses against minorities, but the rational individuals know that the excesses are improper, and always say so, as well. Thus, in the middle of an epoch when the Jews were most helpless, and their relations had most deteriorated, a German Kaiser (Friedrich III in 1493) recommended on his very death-bed to his successor that "the great falsehood" against the Jews be suppressed. The excesses due to impatience are continually balanced to a certain extent by sincere countereffforts to prevent further excesses; if this were not so, there would long ago have been no more minorities. He who expects more, some sort of lasting and conclusive halt to the "great falsehood," has a poor knowledge of humanity and its history. But he who turns the Jewish past into a continuous *Moritat*—something like what the Jewish historians Graetz and Dubnow do—commits an injustice of a sort to humanity, which despite its unceasing errings still always finds the path back to humaneness. One can say that this results in silent, ever-recurrent, partial resolutions of the Jewish question. Though this partial resolution takes place only within the bounds of operations limited in time and space, yet those bounds have been pushed back far enough to provide room for hope alongside of well-grounded fear, room, alongside the deterioration of the minority relationships, for their civilization.

ALTERCATIO ECCLESIE CONTRA SYNAGOGAM

An Unkown Text from the Middle of the Tenth Century

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History of the Work and Analysis of the Manuscripts

FROM the fifth century on we find numerous Christian polemic treatises in Latin against the Jews employing the terms, "Synagogue" and "Church" as symbolic names for the two religions. The list of those texts begins with the *Altercatio Synagogae et Ecclesiae,* which was falsely ascribed to Augustine, but was actually composed between 438 and 476.[1] We are dealing here with a text that certainly originated in a country newly incorporated into "Romania," for only there the argument could have been valid which in that treatise is attributed to the Synagogue: pleading with the Church, the Synagogue states the fact that it has preceded it by a long time in having been accepted in Rome.[2] A sermon by Caesarius of Arelate, *De comparatione Ecclesiae et Synagogae,* makes use of symbolism in confronting scriptural texts and biblical figures: Abel, Rachel, Isaac, etc. represent the Church and the Christians while Cain, Leah, and Esau allegorize the Synagogue and the Jews.[3] In a group

[1] *Patrologia Latina* (*PL*), 42, 1131-40. Concerning the date, cf. Jean Juster, *Les juifs dans l'empire Romain,* I (Paris, 1914), p. 74, n. 1.

[2] *PL,* 42, 1131; Mr. A. Vernet, secretary of École des Chartres in Paris, in a personal communication concerning this argument which I had thought to be a characteristically Jewish one (cf. "Die jüdischen Beweisgründe im Religionsgespräche mit den Christen," *Theologische Zeitschrift,* IV (1948), p. 126) remarked: ". . . cet argument est beaucoup plus dans la ligne juridique du pur droit Romain que dans l'ésprit juif. . . ."

[3] Caesar of Arelate, *Opera omnia,* ed. by G. Morin, I (Maredsous, 1937), pp. 412 ff.

of manuscripts of the *Liber Floridus,* compiled by Lambert of St. Omer in 1120, we find an anti-Jewish text entitled *De bona arbore et mala: arbor bona—Ecclesia fidelium; arbor mala—Synagoga.*[4] Of unknown date and origin is finally the *Disputatio Ecclesiae et Synagogae,* edited by E. Martène and U. Durand in *Thesaurus Novus Anecdotorum,* where it is ascribed to an otherwise unknown author by the name of Gilbertus.[5]

In addition to these anti-Jewish treatises employing the symbolic designations, "Synagogue" and "Church," for Jews and Christians, one must also mention the fact that these *termini technici* are frequently used in innumerable other places in Latin-Christian writings.[6] It would be strange, indeed, if dramatic art—even in its beginnings—had not made use of these symbols. We actually find the pseudo-Augustinian *Altercatio Ecclesiae et Synagogae* very soon taken over into religious plays in which this text has survived in a surprising way.[7] From these miracle-plays, which usually were performed in front of the churches, the symbolic figures were incorporated into the iconographic treasure of sculptors and painters. The Synagogue, blindfolded and with broken rod, standing opposite the triumphant Church, is a traditional requisite of medieval sacred art.[8]

The above list of anti-Jewish treatises in which such symbolic contrasts are used is not complete, to be sure. It is now possible to add to it another important text. In a London manuscript the author discovered an *Altercatio*

[4] Cf. L. Delisle, "Notice sur les manuscrits du *Liber Floridus,*" *Notices et Extraits des manuscrits de la Bibliothèque Nationale,* XXXVIII (1903), pp. 707 f.

[5] *Thesaurus Novus Anecdotorum,* V, 1497-1506.

[6] The list of the quoted passages in *PL,* 219, 665-7, "Index de Ecclesia, I, Definitio Ecclesiae quoad nomen, et quomodo differt a Synagoga," is very incomplete.

[7] Cf. K. Young, *The Drama of the Medieval Church* (Oxford, 1933), pp. 192 f.

[8] Cf. P. Weber, *Geistliches Schauspiel und kirchliche Kunst* (Stuttgart, 1894). The antiquated work by Weber gives us only an insufficient idea about the number of iconographic documents. A dissertation now in preparation in England is devoted to the representations of Synagogue and Church in that country and is based on ample material found there.

Ecclesie contra Synagogam as yet unpublished and almost unknown.[9] In the course of further investigations during his short stay in England he came across two more manuscripts of this text. However, his efforts since then to find Continental manuscripts of it were unsuccessful. The three manuscripts found in England are the following:

A = London, British Museum, Cotton Titus D XVI, f. 70-111, from the beginning of the 12th century (of St. Alban).
L = London, British Museum, Royal 2 D XXIX, f. 32-57, from the beginning of the 12th century.
O = Oxford, Bodleian Library, Selden Supra I (S. C. 3389), 17th century.

Ms. O, a faithful copy of A, is without value for textual criticism, but it makes us aware of the attention that Selden, the excellent representative of English scholarship in the seventeenth century, paid to that text.[10] Ms. L shows traces of the interest that the learned Patrick Young, a contemporary of Selden's, devoted to the manuscript. In places where the text of L had been damaged by humidity—and also in many other instances—Patrick Young supplemented or corrected the manuscript according to the readings of A. Although A is in a much better state of preservation and more readable, a thorough examination makes it clear that the readings of L must be given preference. Thus Patrick Young inserted the faulty readings of A into the better text of L. (It was the task of textual criticism to rediscover the original readings among the corrections made.) A sufficiently large number of obvious mistakes which A and L have in common entitles us to assume with some certainty that both manuscripts are derived from the same original. It is evident that the scribe of L distinguished himself not only by a better understanding of the text, but also by showing greater care;

[9] Only brief mention is made of this text in H. Walter, *Das Streitgedicht in der lateinischen Dichtung des Mittelalters* (Munich, 1920), p. 28. It is not certain, however, that the author is thinking of the *Altercatio* here under consideration; at any rate he omits to name the source where he found it.

[10] Cf. the note in *Dictionary of National Biography*, LI (1897), pp. 212-24; James Parkes, in *Judaism and Christianity* (London, 1948), p. 146, points out Selden's active interest in Jewish scholarship.

unlike the scribe of A, he does not make the mistake of skipping one or several lines in numerous places. A as well as L are of insular origin and were composed in the beginning of the twelfth century.

At any rate the text proper originated in the middle of the tenth century. The correctness of that date is established by those passages in which the author quotes the prophesies of Isaiah 7:14; 11:10; 14:1; 51:5; 56:1, and of Daniel 9:24,25, and where he points out that these are references to immediately imminent events (A: f.91 v and 93 r; L: 51 r and 52 r). These prophesies, it is said there, date from a time more than 1500, indeed more than 1700, years ago. As further evidence he quotes the chroniclers: "Si enim ex quo tempore hec prophecia dicta fuit per regum successiones usque ad presens annorum numerum in chronicis computes, plus quam mille et septingentos annos invenies . . . Compute igitur in chronicis ex eo tempore, quo memorata visio illi prophete revelata fuit, usque ad presens, quantum temporis transiit, et invenies, quia iam spatium plus quam mille et quingentorum annorum suum cursum finivit." In Jerome's translation of the Chronicle of Eusebius the prophesies of Isaiah and Daniel are dated 763 and 584 B.C.[11] From the statements, "plus quam mille et septingentos annos" and "plus quam mille et quingentorum annorum," it can be deduced that our text originates from the middle of the tenth century.

While it is not difficult, as was shown above, to determine the date of the treatise, we have no clue about the land of its origin or its author. The fact that our three manuscripts are of insular origin certainly is no justification for assuming that the same also holds true for the text proper. The first evidence of the presence of Jews in England dates from the end of the eleventh century.[12] As we shall see later, the purpose of the treatise was certainly to struggle against Jewish influence and not merely to spread Christian doc-

[11] *PL*, 27, 358; 420; critical edition by R. Helm, *Die Chronik des Eusebius*, in "Eusebius Werke," VII, 1; *Griechische Christliche Schriftsteller*, XXIV, 87; 100 f.

[12] Cf. Cecil Roth, *History of the Jews in England* (Oxford, 1941).

trines among Christians, as was sometimes the case in the anti-Jewish literature of the Church. Its origin must be assumed to have been in a country where, about the middle of the tenth century, a settlement of Jews existed, who by their missionary activities caused serious concern to the Church.

There is no indication as to the author of the treatise. One can gather from the text that he must have been well read in the Scriptures; the innumerable biblical quotations are not only drawn from collections of such quotations and other polemic treatises, but can also be explained partly by our author's extraordinary familiarity with the Bible. This knowledge of the Bible does not imply, however, that he constantly expresses himself in biblical terms, as Christian clerical authors often do, who employ the language of their sermons likewise in their writings. Whenever he refers to the Bible, he does so for the purpose of quoting—if possible verbatim—and always indicating the source of the quotation. This method prevents him from making such mistakes of confusion as can frequently be found in similar writings in which biblical references are constantly used. It happens only once that he refers to Micah when in fact he is quoting Malachi (but it is also possible that this error was caused by a mistake on the part of the scribe).[13] Although the author generally foregoes the use of quotations from the New Testament, probably in order to make his polemical treatise all the more convincing to the Jews, he nevertheless allows himself to be induced by his familiarity with New Testament writings to cite the Prophets particularly according to readings as they occur in the New Testament (for instance, in citing Micah 5:2, he actually gives this text according to Matthew 2:6).[14]

Remarkable, too, is the great care expended by the auth-

[13] A f. 103r; L f. 44r. The insignificant biblical knowledge of the scribe of L (possibly of the scribe of the common model for A and L) becomes evident from that passage (L. f. 45v) in which he separates the words "in cantico deuteronomii" in the following manner: "in cantico de utero nomii."

[14] A f. 76r; L f. 35v.

or on dogmatic definition. Because of its keenness it lends to the treatise a significance that reaches beyond the realm of Christian-Jewish disputation.

The composition of the dialogue reveals the pen of an expert author. His various arguments follow each other with great natural impressiveness. These discussions, however, are mainly confined to the messianic and christological problem. All the other arguments normally presented in Jewish-Christian controversial discussion (the election of the Gentiles and the rejection of the Jews, the termination of Mosaic Law, etc.) are completely missing or only vaguely hinted at.

It is indeed futile to search for the pertinent sources when one is dealing with a Christian text of an anti-Jewish polemical character. The mass of arguments employed in the religious discussion under consideration was common property on which everyone drew freely at his own discretion. How, then, could one establish from which source the author drew this or that argument? However, it is sometimes much easier to establish the literary model for texts originating at later dates. Thus one can single out the pseudo-Augustinian *Altercatio Ecclesiae et Synagogae* as the very probable model that served our author. Both texts start with the Synagogue reproaching the Church as being of inferior origin than itself:

Pseudo-Augustine, *Altercatio Ecclesiae et Synagogae,* Preface

. . . potens quondam, dives auro mulier Synagoga. . . .
Ecclesia: . . . Scio enim, quia tibi quondam Romanus orbis intremuit et terra gentium palpavit . . . Regnasti, fateor; Romana tibi terra subiacuit, reges et principes ceciderunt. . . . Certe maio-

Anonymous, *Altercatio Ecclesiae contra Synagogam*

Te Sinagoga, que magno regi olim electa fueris . . . alloquor.
Meas vero contumelias et improperia, quibus meam priorem ignobilitatem et longam et turpem sub vilissimis dominis servitutem redarguere non desinis, patienter perfero, quia talem me

rem te paulo ante dixisti regnasse, triumphasse, sceptrum tenuisse, purpuram possedisse; me minusculam vallibus delituisse quondam, vel in collibus habitasse saxorum. Te auro, ornamento, bysso, sercio, gemmis claruisse nobilibus; me minorem pecorum lacte vixisse. Ego oves et pecora, tu militem possidebas. Inde est, quod ego minor atque pauperior, tu maior et dives. . . .[15]

prius fuisse ut testaris inficiari nequeo.[16]

Both texts start with the supposition that some kind of a tribunal ought to decide the quarrel between the Synagogue and the Church:

Pseudo-Augustine

Duarum matronarum nobis censoribus causam videor suscepisse: utraque negotia magnis lateribus penditurus, ut quidquid ex iudicio vestro veritas expostulata diremerit, id una de duabus observet. Idcirco in hoc coetu vestro ius recito, tabulas offero. Lege agatur, quia de possessione contentio est. . . .[17]

Anonymous

Sapientium autem poterit estimari iudicio, an iusta sit mea super te invectio.[18]

There is still another treatise, entitled, *Adversus Iudaeos, Paganos et Arianos Sermo de Symbolo,*[19] falsely ascribed to Augustine, which served our author as a model. The manner

[15] *PL,* 42, 1131, 1132.

[16] A f. 70r; L f. 32v.

[17] *PL,* 42, 1131.

[18] A f. 70r; L f. 32v.

[19] The anti-Jewish treatises falsely ascribed to Augustine experienced a surprising survival in the Middle Ages; cf. B. Blumenkranz, "Une survie médiévale de la polemique anti-juive de St. Augustin," to appear shortly in *Revue du Moyen Âge Latin,* V (1949).

in which they introduce the Prophets as witnesses is a feature common to both treatises:

Pseudo-Augustine, *Adversus Judaeos, Paganos et Arianos*, 11	Anonymous, *Altercatio Ecclesiae contra Synagogam*
Testimonium quaeritis de Christo? . . . procedant de lege vestra testes Christi . . . Dic, Isaia, testimonium Christo . . . Accedat et alius testis: dic et tu, Ieremia, testimonium Christo. . . .[20]	Iam nunc Isaiam videamus, ut si ipse eundem Christum prenuntiavit . . . Iam etiam Ieremias in medium veniat et de divinitate vel humanitate Christi ex multis vel unum apertum testimonium in suis lamentis proferat.[21]

It would seem that the treatise originating in the middle of the tenth century was intended not so much for missionary purposes among the Jews as to combat all Jewish influence on the believers in Christianity. The Gentiles were to be guarded against the Synagogue's claim to being of much nobler origin than the Church. The argument for simple belief in an enlightened monotheism was to be opposed by complicated proof of the existence of the one and only God as represented in Trinity. The Jews' anticipation of a glorious Messiah was to be contrasted with the Christian faith in the messianic mission and divinity of Jesus. That the treatise was intended to counteract the missionary zeal of the Jews also becomes evident from the passage in which the Synagogue, after asserting the purity of its descent, admits having at times also received strangers into its fold, "qui forte in gentem meam et legem transierunt."[22]

Summary of the Contents

Because of present difficulties in the publication of scholarly works, it appears unlikely that the *Altercatio*, whose critically edited text is ready for press, will be printed in the near future. It therefore seemed appropriate to the author to make the treatise known to scholars at least through a

[20] *PL*, 42, 1123.
[21] A f. 107r, 109v; L f. 46r, 55r.
[22] A f. 71r; L f. 33r.

detailed summary of its contents. In the following exposition the dialogue form of the text has been retained. The numbers of the pertinent folios of the manuscripts are given in parentheses.

Church (A f. 70; L f. 32-33): The Church recognizes that the Synagogue was once *magno regi electa et dilecta;* but the Synagogue was rejected because of its sins, while the Church was chosen by the grace of God.

Synagogue (A f. 70-72; L f. 33): The numerous manifestations of divine grace prove that the Synagogue could never have been rejected. It preserves inviolate the faith of the forefathers in the one and only God, the creator of the world, and is constantly awaiting the fulfilment of the promises given by God to the Jewish people through His prophets.

Church (A f. 72-73; L f. 33-34): There is no justification for the Synagogue's laying claim to the merits of the Jewish forefathers, since one can obtain salvation only through his own righteousness. Besides, the forefathers were not without fault, either; and one is reminded of all the sins of the Jewish people, for instance, the golden calf, etc.

Synagogue (A f. 73-74; L f. 34): The Synagogue has always distinguished itself through special obedience; thus Abraham never hesitated for a moment to leave his country and family and to sacrifice his son. In order to reward this obedience, God promised His covenant.

Church (A f. 74; L f. 34): God promised that through the blessing bestowed on the seed of Abraham, all peoples would be blessed. Does "seed" mean one individual or several persons?

Synagogue (A f. 74-75; L f. 34-35): One single human being is meant, namely, the Annointed one who, according to the words of the prophets, will fulfil on the Jews the following: "ipse gentem meam ab omni subiectione et potestate inimicorum liberabit, regnumque meum super omnia regna mundi sublimabit. Directis etiam pugnatoribus suis insuperabilibus cunctos mundi populos in servos et ancillas mihi subiugabit et ex mea gente in cunctis orbis terminis principes super omnes gentes exaltabit. . . ."

Church (A f. 75; L f. 35): God announced to the patriarchs a Messiah for their own salvation. Which are, according to the Synagogue, the passages in the Scriptures announcing the Messiah?

Synagogue (A f. 75-76; L f. 35-36): In citing a great many passages from Scriptures usually quoted by Christian authors the Syn-

agogue often renders the quotations from the Old Testament according to the version of the New Testament. But it insists that the promised Messiah is to bring glory and salvation to the Jewish people.

Church (A f. 76-78; L f. 36-37): On the basis of further passages from Scriptures the Church proves that the Messiah is to come not only in order to achieve redemption of the Jews, but also to redeem the whole world. It is out of the question that all peoples are supposed to convert to Jewish Law, for this very Law was to be replaced by a new one. Finally, the Church reproaches the Synagogue with picking quotations from Scriptures arbitrarily: "cur ea (sc. testimonia), que sunt eminentiora et digniora, siluisti?"

Synagogue (A f. 78; L f. 36): Which are those "testimonia eminentiora et digniora?"

Church (A f. 78-79; L f. 36): The Church quotes passages from Scriptures dealing with the Son of God and with wisdom.

Synagogue (A f. 79; L f. 36-37): In the Scriptures the meaning of words has to be closely examined. Some seem to refer to God, but in reality refer to the saints. The words, "Almighty," "Creator," "Eternal," can refer only to God alone, while "Lord," "Holy," "Son of God" can be understood to refer also to some of the holy men or even to the whole Jewish people.

Church (A f. 79; L f. 37): The Messiah is God by his very nature, and not only because of a figurative designation.

Synagogue (A f. 79-80; L f. 37): Nowhere does the Pentateuch speak of Father and Son. The expected Messiah is to be a human being, but one inspired by the grace of God and surpassing all other men.

Church (A f. 80-83; L f. 37-39): Since the Synagogue asserts that there is no mention in the Bible of the Son of God, the Church can furnish it an extensive list of biblical passages concerning Trinity.

Synagogue (A f. 83; L f. 39): Why is it that Moses himself has never said anything about Trinity?

Church (A f. 83-85; L f. 39-40): Because of their sins the Jews long since deserved to be destroyed by God; at any rate He had found them unworthy to be revealed the mysteries of faith. That is why there is no explicit mention of Trinity in the Pentateuch and why the prophets have made their prophesies only in a veiled form.

Synagogue (A f. 85; L f. 40): The expected Messiah is not to be God's son but a human being of special sacredness. He will bring to an

end the dispersion of the Jews and raise them above all peoples. The latter will be made to recognize God and eternal justice.

Church (A f. 85-86; L f. 40-47): There are numerous passages in the Bible proving the announced Messiah to be really God's Son.

Synagogue (A f. 86-87; L f. 47-48): The words of the Bible are often to be understood in a figurative sense. For instance, when it sometimes seems that God Himself will descend to the earth, this is meant to say that His Messiah will come instead.

Church (A f. 87; L f. 48): God's Son himself is to be the Redeemer and he is to be immaculately conceived by a virgin.

Synagogue (A f. 87; L f. 48): Isaiah 7:14 does not speak of a virgin, but of a young woman.

Church (A f. 87-89; L f. 48-49): The Synagogue is laboring under three errors: (1) in asserting that the patriarchs did not believe in Trinity; (2) in supposing that the Redeemer is to be merely a human being; (3) in maintaining that the Redeemer is to be brought into the world by a young woman and not by a virgin.

Synagogue (A f. 89; L f. 49): It is a fact that the Redeemer has not appeared as yet and that he is still to come.

Church (A f. 89-90; L f. 49-50): All predicitions about the accompanying circumstances of his arrival and the time after it have come true.

Synagogue (A f. 90; L f. 50): It is certainly not the promised Redeemer who has come; for it is prophesied that he will appear with might and glory.

Church (A f. 90; L f. 50): Not earthly power and glory are meant.

Synagogue (A f. 90; L f. 50): If it is true that the Redeemer must be born of a virgin, it is impossible to consider Jesus as such, for Mary had a husband. The woes suffered by Jesus are not appropriate to the expected Messiah. The main prophecy concerning the Messiah, namely, that all peoples will become believers in God, is still unfulfilled. Therefore, he has not yet come. The Church is mistaken here as in other instances when it has allowed itself to be led astray by false prophets.

Church (A f. 90-91; L f. 50): The prophecy is fulfilled, for all the world believes in Jesus.

Synagogue (A f. 91; L f. 50-51): At any rate all prophecies con-

cerning the Synagogue remain to be fulfilled, for instance, those with regard to the Jews' dispersion, etc.

Church (A f. 91-92; L f. 51): The Messiah cannot come any more, for the pre-conditions for his appearance do not exist now; for instance, there is no longer a Jewish Kingdom. In the prophecies of Isaiah, the Messiah's coming is announced as taking place soon; seventeen hundred years after this prophecy no one can believe any longer that its fulfilment is still to be expected.

Synagogue (A f. 92; L f. 51): These prophecies are extremely vague and will be properly understood only at their fulfilment.

Church (A f. 92-94; L f. 51-53): What has been said about Isaiah holds true also for Daniel; more than fifteen hundred years ago he propresied the coming of the Messiah for "the very near future." Not only has the Jewish Kingdom ceased to exist, but the Jews no longer have any prophets, since Christ, whom they were to announce, has already come.

Synagogue (A f. 94-95; L f. 53): The Synagogue is waiting for a glorious Redeemer; but as far as Jesus is concerned, only his sufferings and humbleness are reported.

Church (A f. 95-102; L f. 53-54, 41-43): There are numerous places in the Prophets referring to a suffering Messiah. Every detail of Christ's passion is foretold in the Old Testament.

Synagogue (A f. 102-103; L f. 43): How could he, of whom it is said that he will come with so much glory, appear so lowly?

Church (A f. 103-104; L f. 43-44): There are two characteristics combined in Christ: suffering and glory. Both are predicted by the prophets and are fulfilled in Jesus.

Synagogue (A f. 104; L f. 44): If there had been a need for a suffering Messiah, he would have been a different person. By no means ought the Son of God to have had to endure all those sufferings.

Church (A f. 104-111; L f. 44-46; 55-56): There is only one Christ in question. His sufferings are predicted in numerous passages of the Bible. Christ is the Son of God; but He combines two different natures, a human one and a divine one. It was the divine quality that enabled Him to bestow grace on mankind, and His human nature that made Him endure the suffering of crucifixion.

THE RABBIS OF PRAGUE

A History of the Rabbinate of Prague from the Death of Rabbi Loewe B. Bezalel ("The High Rabbi Loew") to the Present (1609-1879)

By Gutmann Klemperer
Late Rabbi of Tabor (Bohemia)

Editor's Introductory Note

NEITHER the political history nor the religious and cultural development of Czechoslovak Jewry have found their Graetz or Dubnow. At present, monographs on Prague, Pressburg (Bratislava), or on any of the Moravian cities famous for their Jewish communities and celebrated Jewish scholars are not available. After the decline of the Czechoslovak Jewish community in the years of modern barbarism, there exists no institution — except the Jewish Museum in Prague — that would systematically collect and preserve the raw material for future historians. This task becomes constantly more difficult for various reasons which cannot be discussed here. One of them is the unavailability and gradual disappearance of source material printed many years ago in publications such as Pascheles' *Illustrierter israelitischer Volkskalender,* of which — already before the First World War — not even the University Library of Prague possessed a complete set. Obviously, this Almanac or "Kalender" literature, which came into being in the middle of the nineteenth century in the German, Czech, and other languages, and awaits its own historian, was intended to satisfy mainly popular needs. Yet, it also served as a repository of scholarly research. The best Jewish scholars of the time such as Leopold Zunz, Solomon L. Rapoport, Samuel David Luzzato, Michael Sachs, Joseph Wertheimer, Leopold Loew, to mention only a few, did not hesitate to make literary contributions to Jewish almanacs.

The article, which appears in English translation in the following pages and will be concluded in the October issue, seems to be worthy of preservation. Its German original was first published in several instalments in Pascheles' *Illustrierter israelitischer Volkskalender,* 1881, pp. 121-149; 1882, pp. 124-148; 1883, pp. 118-133; 1884, pp. 85-129. Its title read: "Das Rabbinat zu Prag seit dem Dahinscheiden des R. Löwe b. Bezalel, gewöhnlich der hohe Rabbi Löw genannt, bis auf unsere Tage (1609-1879)."[1] The author, Rabbi Gutmann Klemperer (1815-1884), a native of Prague, was descended from a long line of

[1] This essay was freely used but not cited in M. H. Friedländer, *Das Leben und Wirken der hervorragendsten rabbinischen Autoritäten Prags* (Vienna, 1902); it was employed to a lesser extent and mentioned by M. Grünwald, "Der alte israelitische Friedhof in Prag: Rabbi Salomo Ephraim aus Lentschitza, Oberrabbiner in Prag," Pascheles' *Illustrierter israelitischer Volkskalender,* 1893, pp. 93-128.

rabbis including Rabbi Jomtov Lipman Heller ("Tossafot Jomtov").[2] He received his rabbinical training in the age-old traditional manner in his native city. With a profound knowledge of the talmudic and later rabbinic literature he combined modern scholarly methodology. Serving for forty-two years as rabbi in a provincial Bohemian town, he found time throughout his life for scholarly work to which a very respectable bibliography of his publications bears witness.

Klemperer's article, "The Rabbis of Prague," has retained most of its original historical value. To be sure, nowadays a history of the rabbis of Prague ought to be grounded in much more comprehensive source material and written in an entirely different way. The example for such research was set by the late Dr. Tobias Jakobovits who based his two profound studies on the subject on the manuscript material found in the Jewish and State archives of Prague.[3] Unfortunately, at present there is little hope that a scholar equally equipped for the study of Jewish (Hebrew) and general sources will devote his labors to the history of the rabbis of Prague. However, no future historian — no less than Jakobovits — can overlook Klemperer's studies. Their main sources are the works of the rabbis, published as well as unpublished ones, which he studied thoroughly and almost completely. He collected and utilized all biographical remarks and historical references which are often found even in works of a purely halachic content. Frequently Klemperer relates local tradition and oral reports on historic events, not omitting, however, his own critical evaluation. What he thus presented to his readers in 1881-84, has in itself come to be a historical source for his own time. The bibliographies which he added, are of more than local importance. Moreover, the Pascheles calendars of these years are disappearing. In 1934, when I secured a typewritten copy of the following essay in Bohemia, it was impossible to obtain all instalments com-

[2] For biographical and bibliographical data, see M. Grünwald, "Biographische Skizze Guttmann Klemperer's," in Gutmann Klemperer, *David Gans' Chronikartige Weltgeschichte unter dem Titel Zemach David verfasst im Jahre 1593, zum ersten Male aus dem hebr. Originaltext ins Deutsche übertragen und mit Anmerkungen versehen von Gutmann Klemperer*, ed. by M. Grünwald, I (Prague, 1890), pp. 4-5. Interesting is the autobiographical essay by Klemperer, "Reminiscenzen aus meiner frühen Jugendzeit," Pascheles' *Volkskalender*, 1870, pp. 106-129, which was reprinted in *Zeitschrift für die Geschichte der Juden in der Tschechoslowakei*, IV (Prague, 1934), pp. 25-37. Cf. also *Prager Tagblatt*, Feb. 2, 1884; *Israelitische Gemeinde-Zeitung*, XIII, No. 3 (Reichenberg, Feb. 1, 1885), pp. 19-21; Jakob W. Pascheles, "Nachruf," *Volkskalender*, 1885, pp. 112f., with a list of all essays published by Klemperer in the *Volkskalender;* a bibliography of his writings is also found in Ch. D. Lippe, *Bibliographisches Lexicon der gesamten jüdischen Literatur der Gegenwart* (Vienna, 1879), pp. 237 f.

[3] Tobias Jakobovits, "Die Erlebnisse des Oberrabbiners Simon Spira-Wedeles in Prag (1640-1679), *Jahrbuch der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik*, IV (1932), pp. 253-296; "Das Prager und Böhmische Landesrabbinat Ende des siebzehnten und Anfang des achtzehnten Jahrhunderts," *ibid.*, V (1933), pp. 79-136; on Jakobovits, see *Historia Judaica*, XI (1949), pp. 112-114.

pletely. The American copies of the Pascheles calendar, for whose use thanks are due to the libraries of the Hebrew Union College and Jewish Theological Seminary, are partly in an extremely poor condition, partly incomplete.[4] For all these reasons translation into English and publication of the results of the only attempt at a complete history of the rabbinate of Prague seems to have the significance of a historical rescue work.

Mr. Charles Klemperer, formerly of Vienna, residing in New York City, the author's youngest and only surviving son, now in his eighty-fourth year, prepared the translation. All in all, it is a literal translation; merely the sometimes flowery style of the period has been simplified. My editorial work was confined to comparing the translation with the German original and translating a number of notes which had been excluded. Of the notes, only those in *Kalender,* 1881, p. 125, n. 3, and 1882, p. 137, n. 1, were shortened. It was not intended to bring the original *apparatus criticus* up to date. Nevertheless, in several places references to some important recent publications have been added. These additions of the editor are enclosed in brackets. Additional bibliographical guidance may be found in his book, *In Search of Freedom: A History of American Jews from Czechoslovakia* (London, 1949), pp. 331-373. The Hebrew titles cited appear just as they were given in the original German article, partly in Hebrew letters, partly in transliteration; Mr. Isaac Rivkind of the Jewish Theological Seminary Library was kind enough to make several bibliographical identifications and corrections in these titles.

GUIDO KISCH

I

PRELIMINARY REMARKS

THE ancient Jewish community of Prague was famous as a center of rabbinical learning and has always retained its reputation as עיר מלאה חכמים וסופרים. Thus, only first-rank rabbinical authorities were accepted there as rabbis. A study of the lives and achievements of these rabbinical leaders will help those who are not indifferent to Jewish history to obtain a better knowledge of their mode of thinking and method of teaching. Moreover, such a study will be of special historical value as a significant contribution to the cultural and literary history of the Jews.

[4] See, for instance, *infra,* note 54.

[1] The name is Loewe not Liva, as many want to pronounce it. The ' in ליוא is an "e" and not an "i." Luria, in his *Yam shel Shlomo,* Gittin, a treatise on masculine proper names, says expressly: "ליוא-ליב, as they are both additional names of יהודה; the Germans always pronounce it as ליוא, while the Poles, who are accustomed to a harder pronunciation, say ליב, leaving out the final 'e'."

In the biography of Rabbi Loewe ben Bezalel published some years ago,[2] I have tried to demonstrate the importance of such studies. With the present essay, this series of studies continues. First, however, we feel obliged to fulfil a promise which was given in our name by the editor of this yearbook[3] to the effect that a number of supplements were to follow the afore-mentioned biography which would also show the events to be reported hereafter in a clearer light.

Recent historians[4] find the motive for the fact that Rabbi Loewe left Prague for the second time in 1592, in a conference which he had with Emperor Rudolph two months before. According to this opinion, it was the Rabbi's exposed position which forced him to flee to Poland. Yet, this is contradicted by the fact that he returned to Prague a few years later, when the Emperor was still alive. He was appointed chief rabbi and lived unmolested there until his death which occurred three years before that of the Emperor. More probably, his second departure resulted from the same reasons as that eight years before. Then, as later, he took offense at his undignified treatment; for the position of chief rabbi, which had been vacated twice, in 1583 and in 1589,[5] was not entrusted to him despite his great talents and splendid accomplishments. But, as before, he was unable to stay very long in another country, and we find him again in Prague in 1597, where he delivered a eulogy for

[2] Pascheles, *Illustrierter israelitischer Volkskalender* (Prague, 1874), pp. 112 ff.

[3] *Ibid.*, p. 131, final note.

[4] Graetz, *Geschichte der Juden,* IX, p. 496; Rubin in המגיד of תרל"ב, No. 14.

[5] Pascheles, *Kalender,* 1874, p. 126. But neither of his two rivals who were preferred to him held this office for a long time. Isaak Chajut, whose life will be described more fully in the following, left Prague after three and a half years. There must have been special reasons for this, since he was apparently not appointed as rabbi in another larger comunity, a fact which would certainly have been mentioned in *Zemach David.* In 1596 he became rector of the school in Prossnitz, and there his young and very learned son, Samuel, passed away. J. M. Zunz, *Ir ha-Zedek,* Supplements, p. 12. A similar fate befell his second opposing candidate, the famous author of the *Levush,* Rabbi Mordechai Jafa. He arrived in Prague during the month of Iyar, in 1592, was appointed rabbi, but left after having been in office only a few years. He later became rabbi in Posen where he completed his commentary to Rashi, לבוש האורה, and where he died in 1612.

Rabbi Akiba Frankfurter on the seventeenth of Iyar, which appeared in print on April 30, 1598.[6] Two years passed before Rabbi Loewe received the official appointment as chief rabbi, a delay attesting to the considerable opposition against him.[7] The reason was that he did not enjoy the general sympathy of the Jews in Prague, in spite of his profound scholarship. A large group of those whose votes were decisive in the election of the rabbi were violently opposed to his candidacy. This same opposition arose again later when, because of his old age, the question of the appointment of an assistant rabbi was discussed.[8] Rabbi Loewe had only one son, Bezalel, who followed the example of his father, had a fine reputation as a theologian, and, because of his unusual sagacity, was generally known as "Bezalel Charif" ("the brilliant one"). He wanted to assist his father as *adlatus* and subsequently become his successor, in accordance with talmudic law. This certainly would also have been a great satisfaction and pleasure to his father. Yet, this fact was the obstacle that caused the opposition. The old grudge against Loewe arose again and ultimately triumphed. Bezalel was by-passed and a scholar from distant Poland received the call. After some delay, the latter assumed the office of chief rabbi of Prague.[9]

During the delay Bezalel died, and thus the election of the candidate of the other party was easier. It cannot be denied that the result was highly gratifying.

[6] It was printed by Salman Setzer. R. Akiba Frankfurter lived in Frankfort-on-the-Main, and in his elegies on the conflagration in Posen, he calls himself עקיבא נוישא, "Akiba from Neuss"; Landshut, *Amude Haabada*, Supplements, pp. VII f. If he is mentioned as Akiba Günzburg in *Gal-Ed*, No. 9, n. 12, this must be a *lapsus calami;* for his father-in-law and not he was known under the second name, Günzburg; *Zemach David*, I, שנ"ז.

[7] In his epitaph it is mentioned that he was "at the head for more than ten years"; *Gal-Ed*, No. 9. Thus, since he died in 1609 he could not have been chief rabbi before the year 1598.

[8] According to Meir Pereles, *Megillat Yuchasin*, he reached the age of 97 years, a statement on which contemporary sources agree. According to Gans, *Zemach David*, I, שנ"ב, he had already been rabbi of Moravia for twenty years. He certainly could not have attained such a position before the age of forty, and thus must have been at least sixty years old when he moved to Prague in 1573.

[9] *Megillat Yuchasin*.

Solomon Ephraim from Lenczycz

Before we characterize the man who became the successor of Rabbi Loewe and the head of the Jewish community of Prague, we shall describe the sphere of his activities and the people who were entrusted to his faithful care.

Elsewhere we discussed the terrible disunity which reigned in the Jewish community of Prague during the middle of the sixteenth century.[10] We do not agree at all with the harsh judgment passed by Graetz upon the Jewish community of Prague of that period.[11] The internal situation of the Jews, influenced by their uncertain political position, was the same everywhere. If we read the complaints of Solomon Luria, we find that conditions in the capital of Bohemia were not worse than those in other countries.[12] Neither can we accept the opinion of this historian that the second exile of the Jews in the year 1561 was caused by their poor morale. The expulsion was dicussed at length, and the Archdukes, who certainly cared for the interests of all classes, were, as Graetz himself confirms, strongly opposed to it.[13] Doubtlessly, the real motive lay in the false accusations against the Jews (just as had been the case in 1541)[14] which, however, were soon unmasked,[15] so that in 1563 the Jews were readmitted into the country. Shortly thereafter, we find the Jewish community of Prague again as an orderly constituted Kehillah, headed by outstanding men who distinguished themselves through great scholarship and high nobility of mind.[16] The dark clouds, which had threatened a vehement storm, passed and a tranquil period began. The subsequent kings of Bohemia, Maximilian II, Rudolph II,

[10] Pascheles, *Kalender*, 1862, p. 62.

[11] Graetz, *Geschichte der Juden*, IX, p. 387.

[12] Pascheles, *Kalender*, 1862, p. 57. There Luria's words are quoted literally.

[13] *Ibid.*, p. 388.

[14] *Zemach David*, I. שי"א.

[15] *Hamaskir*, 1861, p. 150.

[16] Moses W. Jeiteles, זכרון ליום אחרון (Prague, 1828), containing the document concerning the foundation of the *Chevra Kadishah*.

and Mathias, confirmed the older privileges.[17] The most distinguished men of the community worked to heal the evils caused by the periods of suffering. It seems that their endeavors found the approval of the authorities and were supported by them. Evidently, the Jews until then were not sure who reigned over them, the emperor or the diet.[18] This uncertainty also imperiled the internal peace, for it led to many dissensions within the community. To remove this danger, the members of the Bohemian Chamber—probably upon the suggestion of the Jews—proposed on July 28, 1567, that the Jewish inhabitants be placed, as before, under the jurisdiction of the Chamber. This proposal was accepted. The Jews now knew where they stood and consequently began to regulate the administration of their internal affairs and to guard their political autonomy. Emperor Maximilian desired the right to appoint the Jewish elders, but on Sunday, the fourteenth of Kislev (November 24, 1578), fifty-three members of the community resolved to follow the statutes of מה"רם פאדוה.[19] They decided further that the election should be valid only for one year and that trustworthy officials be appointed whose duty it would be to audit the bills of the community.[20] These resolutions met with general consent, and intensive efforts were made to obtain the emperor's confirmation which came at the end of the year 1579. Emperor Rudolph II ruled again on June 3, 1580, that the Jews of Prague were to hold yearly elections of their elders and judges, which should be unanimous and orderly without regard to party obligations, and should be decided only according to fitness and requirement.[21] All was done to put the affairs of the community in reliable hands and to prevent selfish interests from seizing power.

[17] Johann Franz von Herrmann, *Geschichte der Israeliten in Böhmen* (Vienna and Prague, 1819), p. 54.

[18] In 1541 the expulsion of the Jews was instigated by the Bohemian Diet, in 1561 by the emperor.

[19] Meir Katzenellenbogen, rabbi of Padua, in *Zemach David* designated as עיני הגולה, was a pupil of Jacob Pollak, chief rabbi of Prague. The conditions in the Jewish community of Prague must have been well known to him.

[20] *Hamaskir*, IV, p. 151.

[21] *Ibid.*, V, p. 40.

In this period — about 1604 — the situation of the Kehillah was sound, and a contemporary writer reports as follows: "In Prague there exists a very famous community, whose sweet scented odors are widely spread; a big town, full of wise, learned men, rich men, all adorned with the crown of a good reputation. They are distinguished by knowledge of Torah, piety and fear of God; a holy community which looks in vain for its equal and the like of which is seldom found."[22] The Kehilla had to solve the question of the new rabbi now, a question of fateful importance. The way in which it was solved proves that the afore-mentioned high praise was quite justified. The ballots were cast for Rabbi Solomon Efraim — *recte* Efraim — from Lenczycz, who by virtue of his great scholarship, his clear intellect, his honest character and fine tact, unequalled as a pulpit orator, brought fame and honor to his new office.[23] The legend relates that two years before his death, Rabbi Loewe called him to Prague. But as he then held only a small position in his native town, this unexpected promotion, for which he could hardly believe himself to be fitted, caused such a dilemma to him that he preferred to travel incognito to Prague. There, as an unknown rabbi, he held a lecture which met with instant success. Rabbi Loewe who was present recognized him immediately and compelled him to lift the incognito. Then, in a most witty explanation of a scriptural passage, he paid respect to his protector.[24] This is a nice story, but as far as place and time are concerned, it contrasts with the facts. Efraim came to Prague in 1604, five years before the death

[22] עמודי שש, Preface.

[23] His original name was Efraim, but because of a serious illness he was given a second name, Solomon.—In the small town of Lenczycz, Gov. Warsaw, there lived a rather important Jewish community which was among those that fared badly at the hands of the Polish general Czarnicki in 1658; *Amude Huaboda*, Suppl., p. X. One chief rabbi of this town—at a later date—was Aaron, son-in-law of Sabbatai Kohn from Vilna, usually named *Shach*, whose grandson, also named Aaron after him, was the Dean of the rabbis of Berlin, where he published the work of his great-grandfather in 1767, הארוך משי"ך. This contains also נודע ביהודה, מ"ק או"ח סי' כ"ג, a letter from Yecheskel Landau, who treated him with great respect and addressed him as "הגאון המאור הגדול"; Dembitzer, מפלת עיר הצדק, p. 7, note.

[24] Pascheles, *Sippurim*, II, 4, pp. 164 ff.

of Rabbi Loewe. He was in Lemberg, not in Lenczycz, when he received the call to Prague. From there, he was solemnly escorted to Prague.[25] His new sphere of activity, as that of all rabbis of that period, was very large; it comprised not only the ritual but all communal affairs in the broadest sense of the word.

At present the rabbinical board, wherever one exists, is called *Beth Din* (court of justice), its members are called *dayanim* (judges) and its chief rabbi is the *Ab Beth Din* (president of the court of justice).[26] Nowadays, all these designations are antiquated terms without any meaning. But in those days, when the rabbinical authority was firm and unassailable, when the Jewish community was a special organization exercising its own management, the above-named designations were terms of great importance. The rabbi, with his board, not only supervised the religious institutions, but he usually had great influence upon the administration of the community, as he gave the instructions concerning the management of all departments according to talmudic law. He, of course, had to fulfil his duties as chief rabbi; as teacher at the yeshiva or talmudic academy, he gave scholarly lectures and on Sabbaths and other festivals delivered popular sermons before the community.

As for his official duties, Efraim understood them in the above-mentioned sense and classified them into two categories: direction of the yeshiva and management of the affairs of the community. They took his time to such an extent that he had to give up his literary work.[27] We have only fragmentary reports on him as *Ab Beth Din*.[28]

Much more is known about his activity as teacher. Before we discuss it, we shall describe the methods of the talmudic studies in Poland and Germany in the past three

[25] עמודי שש, Preface.

[26] All questions concerning the entire community were carefully considered here and recommendations given for their solution. It was a real court of justice whose decisions were regarded to be authoritative.

[27] עמודי שש, *loc. cit.*

[28] נחלת שבעה, No. 27, paragraph 7.

hundred years. The chief rabbi, Jacob Pollak, who died in Prague in 1530, is supposed to be the initiator of the treatises on halachic themes, named *Chilukim,* which were analyzed by Graetz[29] and also by myself.[30] Many authorities were opposed to them, others concurred, as did the already mentioned Isaac Chajut.[31] This man was even more guilty than the real author. While Jacob Pollak did not allow his halachic discussions to be published,[32] Isaac Chajut permitted his sophistries to appear in print. For this he was bitterly blamed by Chayim Yair Bachrach, who, after referring to a lecture of his grandfather, Rabbi Loewe, held at Posen in 1593, continues: "I have never yet heard or read the praise of such sophisticated hairsplitters as the learned Rabbi Isaac Chajut in the prefaces to his *Pne Yitzchak* and *Pachad Yitzchak.* But everyone who reads the *Chiluk Biluk*[33] printed in the preface of the aforementioned book will immediately recognize the wrong path which he chose. May the Almighty protect us. I am not les astonished at the author[34] who tries to glorify the pilpulistic interpretation and is happy if he receives applause."[35] But the seed sown by Jacob Pollak was difficult to be uprooted; on the contrary, it came up and produced fresh seeds. His successors have gone even further

[29] Graetz, *Geschichte der Juden,* IX, p. 477.

[30] Pascheles, *Kalender,* 1874, p. 118.

[31] He had two learned sons, one of them Manes Chajut, died in 1636 while he was chief rabbi of Vilna. He was considered an expert in the Kabbalah and was well-versed in mathematics. His brother, Abraham, wrote a commentary to the Torah, printed in Cracow in 1634, in which he comments on the divine laws, according to the four different methods of explanation, called פר"דס. A great-grandson of Isaac Chajut, named Isaac after him, was also a prominent scholar. He died in 1726 as chief rabbi of Szkolia (near Lemberg); he was the author of thirteen works, among them a Hebrew grammar. The first-mentioned Isaac also seems to have been a poet; his work, פני יצחק, is a didactic poem in which the precepts of the *Yore Dea* are given in rhymed form. The Jews also had textbooks similar to those of the old clerical schools; cf. Fünn, קריה נאמנה, pp. 63 ff.

[32] Graetz, *op. cit.,* p. 64.

[33] A pun which appears already in the Talmud, *Sanhedrin,* 98b; Chulin, 19a.

[34] His work is entitled, זקוקין דנורא. This commentary to *Tana debe Elia* by the kabbalist, Samuel Chida, appeared in 1676 in Prague and was warmly welcomed by Simon Bachrach, father of Chaim Yair.

[35] *Chavoth Yair,* No. 123.

and were proud to combine two quite different doctrines only because they derived from the same teacher and one was printed in a place not far away from the other. This method was called "Wenden Limud," since the attempt was made to bring into harmony two entirely different statements.[36]

Efraim was quite averse to such witticism. His own words are: "I have often argued with the wise men of our time, hoping to outlaw the pilpulistic type of lectures called *Chiluk;* for it is my belief that he who distorts the word of God and gives it a different meaning, despises the Torah. But I did not succeed in my endeavor for the following reasons. Firstly, there are among the scholars many ambitious men each of whom would like to be the head. They hope to reach this goal through the *pilpul.* Furthermore, they maintain that this is the best means to sharpen the minds of their disciples, as it helps them to penetrate deeper into the Torah, which is quite untrue. We know that in countries like Palestine and others, where these false methods are not known, the knowledge of Torah is even deeper because the teachers there do not waste time with trifles as is done here. This method is pernicious for the disciples but the masters favor it because with it they attract many people, and this serves their vanity. They only want a crowd around them; many among it may be good for nothing; but a crowd it must be: some speak up, others are silent. Can such a *limud* find favor before God? I have also lectured *chilukim,* but—I can swear to God—my pilpulistic opinions were always close to the truth; I have always followed the simple, literal meaning. Such a *pilpul* may be of some use and is not quite as objectionable. Yet, it would be more advisable to give it up entirely, especially the sophistries, which distinctly bear the mark of a lie."[37]

Rabbi Efraim's sermons mirror the same conviction of

[36] [*Wenden*—to turn;] *Limud*—manner of teaching. Preface to the second part of זרע ברך, written by the famous preacher of Cracow, Berachia, in the first half of the seventeenth century.

[37] עמודי שש, supplement.

the serious purpose of his vocation: to spread the truth of God. In these sermons his unequalled mastery is clearly evident and even today it provokes astonishment and admiration.[38] There was at that time much swindle and bluff. Many preachers were masters in the art of undressing an agadic sentence of its original meaning and in giving it another, entirely new interpretation. Often these orators used deceitful expedients by inserting arbitrary ideas in the text or leaving something out of it. The listening public, surprised by striking interpretations, applauded. Thus, the preacher attained his purpose without doing any real teaching or giving an impressive admonition to practice for self-improvement.[39]

Rabbi Efraim, having in mind a higher ideal of public instruction, said: "I have no intention to offer new exegetic explanations; there are already a sufficient number presented by others to whom I am much inferior. My sole purpose is to edify the listeners, to awaken them from the sleep of indifference, to hold before their eyes their errors and sins of which they are not even aware."[40] He found the ground in Prague very well prepared for the realization of this great ideal. Rabbi Loewe had often preached sermons, combining common sense with moral seriousness and deep impressiveness. Yet, with regard to thoughtfulness, clear apprehension and explanation of the passages quoted from the Bible or Midrashim, Rabbi Efraim was much superior. Doubtless, his great oratorical gift was the chief reason for his appointment, as it provided the leaders with the justified hope of furthering "the moral improvement of the community." Indeed, Rabbi Efraim fulfilled the highest expectations. He was a born teacher of the people and was able to explain clearly the most difficult passages so that each word was in its right place. This method deeply gratified his audience. We feel it even today when we read his sermons, which

[38] [Cf. Israel Bettan, "The Sermons of Ephraim Luntshitz," *Hebrew Union College Annual,* VIII-IX (1931-32), pp. 443-480.]

[39] עיר גבורים, Introduction, and in several other places.

[40] אורח לחיים, Preface.

were his only literary work and to which we shall now direct our attention. The following works appeared in print and have been reprinted several times.

1. עיר גבורים. It begins with two long sermons followed by exegetical interpretations to the whole Pentateuch. Rabbi Efraim had written them in his youth after having suffered sad experiences. He had been compelled to leave his birthplace because of his frank speeches and to flee to Jaroslav. There not a single book was available to him so that he had to write everything from memory. Nevertheless, a mistake seldom occurs in all his quotations. In spite of all persecutions, he did not lose his courage, did not complain, did not attack his enemies, nor even mention their names.

2. עוללות אפרים, sermons for all holidays of the year and for various, joyful and sad events, is an outstanding work which found universal approval so that the author—as was the custom—was named after it "Olelot Efraim." He wrote it in his ripe manhood, and it reflects the steady growth of his spiritual resources.

3. אורח לחיים, moral contemplations for the ימים נוראים and for Passover, in which he often refers to the aforementioned "Olelot Efraim." He wrote it in 1595; the work was printed in Lublin in the same year.

4. כלי יקר, a commentary on the Pentateuch written in 1601 to comply with a vow made after recovery from a serious illness, during which the name Solomon was added to his original name. He could not free himself from the common superstition that he owed his recovery to this change of name.

5. שפתי דעת, homiletic contemplations to the Pentateuch, printed in Prague in 1610; this book was not available to the author.

6. עמודי שש, homiletic contemplations on the six pillars upon which Judaism rests, namely: Torah, Divine Service, Benevolence, Justice, Truth and Peace. Rabbi Efraim had begun this work already in 1607. In the fall of that year,

the plague broke out in Prague. The members of the community fled and dispersed in all directions. He, too, departed with several respected members of the community to Byshic, about four miles from Prague. He used the enforced leisure for writing from memory the contents of the sermons he had delivered in the last few weeks; he apologizes in the preface for his flight from the capital; for many disapproved of his step, claiming that he intended to run away from God. To meet this reproach, he proved on the basis of the Torah that it is permitted to leave one's domicile in case of a plague. When he returned to Prague to take up his duties again, he had to interrupt this work but continued his writing again after ten years, finished it and had it printed.

Rabbi Efraim left another voluminous work, that was never printed. He mentions it often under the name of רבבות אפרים. In this book all the principles of the written and oral Law, all prescriptions of the Halacha are thoroughly explained and discussed. He had begun to work on it early in his life but did not have the means to publish it; therefore it remained in manuscript form.

All the writings of Rabbi Efraim prove his truthfulness and his noble frankness. He was without fear in mentioning all known defects and had no regard for the feelings of the influential or the common people. He strongly reproaches three groups of people. First, the rich who have no other thought but to pile up wealth; second, the mob, which indulges only in looking for pleasure; and lastly, the leaders and masters of the people who reciprocally bear ill will by envy and grudge and increase defects instead of repairing them.[41]

Similarly, he blames the inexpedient instruction of the youth. We have already shown how he appraised the teaching methods of the talmudic academies. The teaching of the children did not find his approval, either. He complains that the teachers care only for their salary, not for their duty to teach the children thoroughly and methodically

[41] עוללות אפרים, Preface.

and at the same time to impart to them morality. He also disapproves of improper conduct in the synagogue where complaints of one against the other are aired publicly during the prayers. This gross misconduct disappeared entirely in the meantime, indicating that his rebuke may have been successful. He assailed even the form of the divine service, because *Piutim* were recited which many members of the public did not understand, and because the cantors sang long melodies, swallowed the words, all at the expense of their devotion. Generally, he attached only small value to the formalities of religious life of which the following statement gives clear proof: "Fasting in itself is not agreeable to God; nowhere in the Torah do we find that God demands the mortification of the body; if it is ordained for the Day of Atonement, it must be looked upon as a sacrifice; we sacrifice our flesh and blood. But just as the sinner alone has to offer a sacrifice for his sin, so the pure conduct of life does not require fasting."[42] In such an inspired manner he interpreted many laws of the Holy Scriptures, using for this kind of explanation the word סוד. Yet, this word is not to be taken in its kabbalistic sense where it denotes a deep secret connected with the superhuman world. Rabbi Efraim kept aloof from such fanaticism and remarked: "I keep to the road of logic and do not intend to invade hidden secrets."[43] Very seldom he quotes from the books of the secret teachings. The word סוד means to him the kernel in contrast to the shell, namely, mechanical practice.

Rabbi Efraim's lectures were of the same caliber as the contents of his teaching; they show the purity of his character as well as his sure tact always to find the decent and suitable expression. He knew how to speak sharply and impressively, but he never offended anyone. He maintained: "The preacher must not always scold, he must also give occasional praise; if he reproaches, it must be done in a decent manner, carefully and with reserve."[44] It is self-

[42] *Ibid.*, No. 241.
[43] *Ir Giborim*, Bamidbar.
[44] *Ibid.*, Debarim.

evident that his talent made him widely known as a favorite pulpit orator. While still in Lublin as a private person, he was invited every year to lecture at the rabbinical synods. In Prague he also found general approval. When Rabbi Loewe died, the rabbinical position was unanimously entrusted to Rabbi Efraim.

Two years later, on February 15, 1611, the community of Prague was faced with a terrible fate. On this date, troops from Passau had forcefully entered the town and advanced to the Altstadt. The Jews had to fear the worst. All assembled in the synagogue to pray for help; many fasted as if it were the Day of Atonement. The Almighty did not forsake them. They suffered only fright and were not molested at all. Rabbi Efraim ordered that day to be observed as half a fastday for all times and wrote the *Selichoth* for it, which are still recited in the Altneu-Synagogue.[45] Eight years later, on February 21, 1619, R. Efraim departed from this life. We have not been able to establish the year of his birth. Since he was a disciple of Solomon Luria[46] and in his last work—finished in 1618—described himself as "a man of old age,"[47] he must have been born between 1540 and 1550. It was the desire of his disciples to take full charge of his funeral, but his successor— about whom we shall soon report—did not allow it, because only the members of the *Chevra Kadishah* had this prerogative in Prague.[48] Nothing is known about R. Efraim's children. However, he did have children because in his works Rabbi Eleazar Flekeles boasts of his descent from the *Oleloth Efraim*.[49]

Rabbi Isaiah Horowitz

The widely branched Horowitz family is one of the most respected and celebrated families, from which many

[45] In the edition of these *Selichot* there is a printing error: one must read שע"א instead of שפ"א.

[46] מ' מצורע עיר גבורים.

[47] עמודי שש, end of Preface.

[48] זכרון ליום אחרון, p. ג, note 1.

[49] He calls him זקני in his works.

rabbinical leaders are descended. The most famous, without doubt, is Isaiah ben Abraham, who surpassed them all by his scholarship and talents. He pursued his rabbinical studies in Lublin, where in his early years he attended the sermons of Efraim from Lenczycz; he was such a devoted student that in his old age he still remembered the explanations of the biblical verse which he had heard, שויתי ה' לנגדי תמיד,[50] and which are also contained in *Oleloth Efraim*.[51] He certainly had no idea then that some day he would be appointed the successor to this widely admired pulpit orator.

Rabbi Efraim, in his old age, had had a similar experience as his predecessor, Rabbi Loewe: when he was suffering from the burden of his years, an assistant was appointed for him, who was slated to become his successor. To this position Isaiah Horowitz was elected. He had already held several high rabbinical positions and now settled down in Prague and worked with Rabbi Efraim. This clarified the relationship of these two men.[52] But with all his greatness of mind and nobility of soul it seems that Isaiah was not a good choice for the community of Prague, for his mode of thinking was quite different from Rabbi Efraim's, and they were equally apart in their approach to the word of God. R. Efraim, as was shown before, did not value the Kabbalah at all, while Horowitz, who had been nurtured in it from infancy as most of his relatives was an ardent worshipper and promoter of Kabbalah. R. Efraim tried to explain the religious laws in an easily understandable manner, whereas Isaiah read the Bible and the Talmud through the spectacles of Isaac Luria and saw in each letter of the written or traditional teachings extraordinary secrets, incomprehensible to the common man. This approach is demonstrated by nearly every line of his books.[53] Of course, they also contain pure moral teachings, even liberal views, and that was the reason

50 של"ה, מאמר עשירי.

51 עמודי שש, *loc. cit.*

52 Cf., however, S. Hock in *Gal-Ed*, p. 13, n. 55.

53 של"ה and שער השמים.

why some people put him among the freethinkers. But to do so would be a great error. He was fully absorbed in his mystic and ascetic fanaticism making him incapable to meet the demands of everyday life. Therefore, it may be true that the rabbinical activity did not give him much pleasure since it included not only religious but also profane matters for which he had not the right understanding. It is thus not surprising that Rabbi Horowitz intended to retire from the rabbinate in order to go to the Holy Land and there lead a quite life of meditation.[54] He left Prague in comfortable circumstances toward the end of the year 1621, and three months later he landed in Jaffa, where he was welcomed by representatives of the Jewish Community. He was the guest of the president and was treated with great respect. Shortly thereafter he left for Jerusalem, where he was appointed rabbi of the Ashkenazic community. Soon after his arrival, he and other scholars were put in prison by order of the Pasha who demanded a substantial ransom. After payment had been made Rabbi Horowitz was set free and moved to Tiberias, where he completed his voluminous work, *Shne Luchoth Habrith.* It contains moral teachings and explanations of the religious laws. The author was opposed to the pilpulistic method. For teaching the youth he recommended first to instruct the students in the Bible so that they would be thoroughly familiar with it before beginning the study of the Talmud. He also edited a book of his father's, *Emek Beracha.* Several of his writings were not published. He died in 1630.

[54 In the copy of the Jewish Theological Seminary Library of Pascheles' *Illustrierter israelitischer Volkskalender,* 1881, pages 147-158, comprising the conclusion of Rabbi Isaiah Horowitz's biography and that of Rabbi Moses ben Mendels, are missing. No other copy of that volume was available in this country. These biographies were also missing in the above-mentioned typewritten transcript (see *supra,* "Editor's Introductory Note"). As an expedient, the corresponding sections in M. H. Friedländer's *Das Leben und Wirken der hervorragendsten rabbinischen Autoritäten Prags* (Vienna, 1902), pp. 10-12 have been substituted, since this booklet is—to a large extent—based on Klemperer's essay, of which it offers merely a condensed version minus the notes; cf. *supra,* "Editor's Introductory Note," n. 1.]

Rabbi Moses Ben Mendels

After the departure of Rabbi Isaiah Horowitz for the Holy Land, the office of chief rabbi was conferred upon Moses Ben Isaiah Menachem (Mendel) from Poland, known as an excellent talmudist. His father—also a prominent talmudist—had had three sons, all of whom were scholars. Among them, Moses, who was the oldest, was particularly excellent in scholarship. Rabbi Moses enjoyed such renown in the rabbinical world that even Rabbi Backofen, a rabbinical authority of the first rank, called him *godol batorah umfursum,* and his opinions in casuistic questions are particularly important. After scarcely a year's stay in Prague, Rabbi Moses lost his wife Sarah, daughter of Moses Salkind from Cracow. It seems that he no longer wished to retain the position of chief rabbi of Prague, because he left Prague as early as 1623. It is told that his reason for leaving so hurriedly lay in the fact that he had been denounced to the authorities for a forgery in his passport. In 1636 he accepted the chief rabbinate of Posen where he was also highly respected.

With regard to his writing activity, we know of only one prayer for the prevention of the plague, the *Selichah* "Moshel Boelyonim." His son, Israel, was the author of a work entitled *Mareh Zedek,* containing a list of the most important treatises in the Talmud and in the *Shelah.* His daughter, Edel, wrote a compendium to *Josippon* in the Judeo-German dialect (Cracow, 1670).

II

Jomtov Lipman Heller Halevi

If our assumption is correct that Moses ben Mendels left Prague early in 1623, then a *provisorium* of several years must have followed, as the election of the chief rabbi could have taken place only five years later. This delay is even more striking in view of the fact that the man best fitted for the position lived quite nearby; it can be explained only by the disunity and party conflicts in the community,

where one party strongly opposed what the other most intensely desired. It turned out that this opposition was invincible because later, when the controversy seemed quite settled and the new rabbi had already started his office, the opponents came forward and managed to undo what had been achieved. However, we must continue with our story putting aside all assumptions and impartially recording the facts.

Rabbi Jomtov—*vulgo* Lipman—Heller was born in 1578[1] at Wallerstein,[2] a village in Bavaria, situated on the Eger River; this was shortly after the death of his father, Nathan, a fine talmudist, who died when only eighteen years old. Lipman's grandfather, Moses Heller, a well known talmudical scholar, fathered his orphaned grandson and furthered his education in every respect.[3] Later on, Lipman studied in the talmudic academy of Jacob Günsburg, rabbi and school principal in Friedberg, Hesse.[4] There is no evidence of his having been a disciple of Rabbi Loewe ben Bezalel[5] or Rabbi Efraim of Lenczycz.[6] While Rabbi Lipman Heller never mentions the latter in his writings, he often refers to the former, yet never as מורי ורבי but only as "rabbenu" or "more ve-rabbenu," an indication that he did not receive from him any special instruction.

At the age of eighteen, Lipman was elected associate

[1] At the end of his Mishna Commentary he says: "I began this work on the 22nd of Cheshvan, 5377, and now I am thirty-eight years old." This date corresponds to November 30, 1616, and if we deduct 38 years from that, it shows that he was born in 1578. If some point to the same source and say that he was born in 1579, they forget that the Jewish year begins about four months earlier than the Christian year.

[2] Cf. *Tossafot Jomtov*, Kilaim, IX, 7, and Preface to צורת הבית, where he says expressly that Wallerstein is his birthplace. Today it is still a large Jewish community as well as the seat of the district rabbi.

[3] On the tombstone of Moses Heller in Wallerstein he is called "*Landrabbiner* for all of Germany"; cf. Preface to *Jalkut Shimoni*. Heller, in his Preface to מעדני מלך, expresses his gratitude to his deceased grandfather for all the paternal love and loyalty he was accorded by him, and he names him only האלוף המרומם שמו נודע בישראל וביהודה.

[4] *Divre Chamudot*, Berachot, V, 17; *Maadane Jomtob, ibid.*, VII, 67; *Tossafot Jomtob*, T. Nida, V, 3; *s.v.* כחתן שלם.

[5] Rappoport, Preface to *Gal-Ed*.

[6] Asulai, *Shem Hagdolim*, ed. Benjakob, X, No. 92.

rabbi ("assessor") in Prague, which position he held for twenty-eight years (1596-1624).[7]

This was the happiest period of his life in which the sun of peace shone uninterruptedly, his days passed in sweet, unconcerned tranquility without gloomy clouds dimming the clear skies. He had all he wanted, many books were at his disposal, and his income allowed him to live comfortably and to support the poor. Under such favorable circumstances he worked intensely and established a talmudic academy in a special wing of his house. There, living together in different rooms, were the disciples who had come from many lands; many studied day and night, from one Sabbath night to the next banishing the sleep from their eyes. The master gave daily lectures intended to deepen their knowledge; often he applied the pilpulistic method of teaching on especially suitable parts of the Talmud. As a true shepherd he cared also for the physical well-being of his flock and granted free board to many of his disciples.[8]

In addition Rabbi Heller continued his literary work which was not confined to purely casuistic themes but included cabbalistic-philosophical and mathematical problems, too. He also wrote a most elucidating treatise about the Temple, as described by the prophet Ezekiel. But the greatest fame was brought to him by his commentary on the Mishna, which he published under the title *Tossafot Jomtov.*" This work became so popular that its title was used for the designation of the author. Henceforth he was known under the name "Tossafot Jomtov." It was a Jewish custom to call prominent scholars not by their family name but by the title of their best-known work. The "Purim" holiday, too, which was established by him is known as "Tossafot Jomtov Purim." However, his success brought about the envy of

[7] *Gal-Ed* informs us that this election was repeated every year (p. 65; *Ir Hatzedek*, p. 93); I found this only in a manuscript of מגלת איבה; the meaning there is not clear, however.

[8] Not all the above facts are mentioned in the מגילת איבה edition, Vienna, 1862. I took them from a manuscript in my possession.

the malevolent who attacked him although he was entirely guiltless and always exemplary in his dealings with others.[9]

Towards the end of 1624, Rabbi Heller was called to Nikolsburg, Moravia, and some months later to Vienna as chief rabbi and rector of the talmudic academy; there he spent another two happy years. The Jews of Vienna were rich, charitable and respected. They lived in the lower part of the city, now called Leopoldstadt, where they had obtained the right to erect a synagogue and other religious institutions. This provided the basis for a united community, an achievement which could not be brought about as long as they lived dispersed throughout the city.[10] The new chief rabbi soon unfolded a wholesome activity by giving excellent and practical directions intended to strengthen the ties between him and the community, which became very dear to him. In 1627—in the middle of the winter—he received a call to come to Prague as chief rabbi.[11] The Viennese community made all possible efforts to persuade him to stay and made him the most flattering and advantageous propositions. But his heart longed for Prague, where he had spent his youth and had found a second home. After Purim, he left Vienna having received many tokens of love and respect there. The community as a whole and many private individuals showered presents on him; on the day of his departure young and old came to see him off, and the parting brought tears, just as though a father were taking leave of his children.[12]

[9] See manuscript of מגלת איבה. Thus, our previous assumption is confirmed that an active opposition against Heller had existed even earlier.

[10] That this was Heller's achievement, as *Gal-Ed* mentions, is found neither in מגלת איבה nor in Wolf's *Geschichte der Juden in Wien* [Vienna, 1876].

[11] According to the מ"א which appeared in print, the election was held in the month of Tevet, but his departure from Vienna took place after Purim; עיר הצדק does not state clearly: בפורים שנת שפ"ז נבחר רא"בד בהעיר אשר היה בתוכה לפנים אחד מדייניה עשרים ושבע שנה היא עיר פראג. The number 27 is not correct either; Heller himself says in מ"א that he had been "assessor" of the rabbinate in Prague for 28 years.

[12] His activity in Vienna which found such great recognition is described by him in מ"א, with the words: התקנות הגונות והיפות אשר תקנתי ועשיתי להם גודעים לכל כי אז לקהל אחד התיחדו. The expression "תקנות" probably means communal statutes, because later he says: Graetz, *Geschichte der Juden*, X, p. 44, comments on this: "He outlined for them communal statutes."

His arrival in Prague occurred about two weeks before Passover and a grand reception was prepared for the new chief rabbi. All members of the board of the community were waiting for him at the outskirts of the city and many persons traveled several days to meet him. In the beginning all was going well. After six months the direction of the talmudic academy was entrusted to him.[13] In this period he wrote three of his excellent works, one of them being a commentary to the book of Rabbi Asher, entitled מעדני מלך, ("Royal Dainties"). But this work provided his enemies with a sharp weapon which was used unsparingly against him and actually effected his retirement. His was the same fate as that of his predecessor, the afore-mentioned Moses b. Mendels. He had to give up the rabbinical chair which he had held for two years. This resulted into a very painful situation, because the loss of his position deprived him of all his financial resources. The legend, however, has it that the harsh strokes of fate which befell Heller were a righteous punishment for his insidious treachery perpetrated against the teacher of his youth, the above-mentioned Moses b. Mendels.[14] The latter had to leave Prague suddenly because he had been denounced at the criminal court for making false statements in his certificate of identification. There was nothing left for him but to escape. As to the denunciation—thus goes the story—Heller was actually not quite guiltless, and Mendels is reported to have said to Heller: "You have driven me from here; remember: as I am leaving today, so you, too, will some day be forced to leave in shame and disgrace." This incident was reported to me long ago by an old talmudic scholar who knew such stories about the ghetto in Prague. I recorded faithfully what I had heard but cannot take any responsibility for its truth. On the contrary,

[13] The expression קבלנו עליהם לראש ישיבה, or as it reads in the manuscript: עשו אותי גם לראש ישיבה is not quite clear to me, because it was not necessary to ask for a special permit before establishing a yeshiva; perhaps he means that the community accepted the responsibility to care for the maintenance of the students.

[14] The story sounds quite improbable and seems to have been added merely as an embellishment of the legend.

I think that it is a pure invention by Heller's enemies who had the impudence to spread evil rumors about their victim in order to ruin him morally, too. It is quite improbable that a rabbi of such high standing should have been capable of such infamy. The great number of his devoted followers and the general sympathy shown to Heller in his distress are proof of the purity and integrity of his character.

Graetz in his History of the Jews correctly remarks that Heller with his mild, peace-loving nature would have been better off in Vienna; but he was attracted to the Bohemian capital, where he had hoped to gather a much larger number of students of Talmud. Yet, he found there only grief and trouble because in this period the financial situation of the Jewish community of Prague was very unfavorable; as a result of the many years of war, food was scarce and taxes and other expenses were high. It became necessary for the community to raise a loan which was to be paid by general assessment and this caused endless quarrels among its members. The rabbi made all possible efforts to restore the peace. Not only were his endeavors unsuccessful but he also made new enemies and the opposition went even so far as to present the following accusation to the emperor's court: Heller in his latest published works has denounced the Christian religion.[16] This totally unfounded denunciation was not without effect. In July 1629, the imperial governor of Prague received a sudden order to arrest the rabbi, to chain him and bring him to Vienna under heavy guard. It must be admitted that the imperial authorities in Prague and Vienna treated him and the Jews in general humanely. But the trial ended unfavorably for the rabbi.[17] A fine of 10,000

[15] Graetz, *Geschichte der Juden*, X, p. 44.

[16] As this essay concerns only Heller we must keep strictly to his description in מגלת איבה from which, again, only the most important parts are mentioned. For more details see *Megillat Ebah* and Graetz, *op. cit.*, pp. 43 ff.

[17] The original of the act of indictment could not be found anymore (see Wolf, *Ferdinand II und die Juden*); we therefore do not know more than what Heller reports. He denies specifically that he had been accused of lese-majesty because the title of his book contained the word *melech* (king). Nevertheless, that assertion prevailed and was also told to me by my parents

florins was imposed on him and he had to give up his position in Prague. In 1629, on the eve of the Day of Atonement, he returned to Prague penniless, tortured by grief and sorrow. He contracted a serious illness, from which he recovered only after three months.[18] In the meantime, while still in Prague, he resolved to return to Poland immediately after payment of the fine. On the second day of Tammuz, 1631, he paid the last instalment, and on the same day, upon request of the community, he delivered a farewell sermon at the Meisel Synagogue. Then he left the Bohemian capital, never to return. A short time later, he accepted a position as rabbi in Nemirov, a village in Russia (gov. Grodno), and subsequently went to Wlodzimierz in Volhynia. Only then Heller regained his full strength, and he was relieved of all suffering when, towards the end of 1643, he received an appointment as chief rabbi of the great and famous community of Cracow, and soon thereafter as rabbi of the entire district.[19] On the first day of the month Adar, the date of the so-called Tossafot Jomtov Purim, the joyful feast of remembrance was celebrated by Heller with his entire family, as was the custom in many homes in Prague. In Poland the following day was also observed as a holiday.[20]

at the annual celebration of the Tossafot Yomtov Purim. In fact, the title of that book was later changed; in the second edition it was no longer called מעדני מלך but מעדני יו"ט, and Asulai, ועד לחכמים remarks משום מעשה שהיה. Heller himself in the second edition of the *Tossafot Jomtov* retained the original title. A conjecture in *Ir Hatzedek* is also wrong, namely, that Heller was denounced by his accusers as "politically suspicious." In such a case, the punishment would have been much heavier. The malicious informers knew no limits and spread their ugly slanders about the Rabbi in the highest-ranking circles. Thus, he could not have expected a favorable decision and was much relieved to be let off with only a fine. [Cf. Arthur Zacharias Schwarz, "Zum Prozess des Lipman Heller," *Festskrift i Anledning af Professor David Simonsens 70-aarige Fodselsdag* (Kopenhagen, 1923), pp. 206-212.]

[18] In spite of the very substantial support by the Jews of Prague and Vienna, Heller had to liquidate his house, his seats in the synagogue, and various other objects of property in order to obtain the funds needed for his release.

[19] In Vlodzimierz, too, he was subjected to similar persecutions as he had suffered in Prague, because he was energetically opposed to the practice prevalent at the time, to offer the rabbinical posts like marketable goods.

[20] *Ir Hatzedek*, p. 95.

Heller spent the last years of his life in Cracow and died on the twenty-sixth of Elul at the age of seventy-five.[21]

We have now described the life of Heller according to his own statements. We have still to define his standing in the realm of learning and to enumerate his works in chronological order. He wrote nineteen books; some of them are published, some are preserved in manuscript form.[21a]

1. Commentary to *Bechinat Olam* ("Analysis of the World"), written by Jadaja b. Abraham Hapenini (1280-1340)[22] and his "Mem-Prayers,"[23] (Prague, 1598; published by Salman Setzer b. David). They were written by Heller in his youth, as he himself remarks in the preface. The book was published anonymously, only the preface bears the signature of "Jomtov." The closing portions contain only words beginning with the letter 'Mem.' Sabbatai Bassista, in שפתי ישנים, calls this work a "first-class commentary" (פירוש נחמד).

2. צורת בית המקדש,[24] an explanation of the description of the Temple in Jerusalem contained in Ezekiel (chapters 40-44); published in Prague in 1602 by Abraham b. Moses. All parts of the holy building are named, numbered and illustrated with sketches.

3. Glosses to גבעת המורה,[25] a commentary to *More Nebuchim*, written by Josef Isaac Halevi from Lithuania;

[21] *Ibid.*, p. 96.

[21a] [Cf. now I. Heilprin, "Bibliography of R. Yom-Tob Lipman Heller's Writings," *Kirjath Sepher*, VII (1930-31), pp. 140-148.]

[22] He also has the surname "Bedrasi," which means "coming from Beziers" (Languedoc). — A description of the pains and troubles of life in the crudest colors.

[23] בקשת הממין composed of words which all begin with מ; his father, Abraham, wrote אלף אלפין and בקשת הלמ"דין.

[24] It was so called by Bassista; Heller designated it as צורת הבית (*Tossafot Jomtov, Midot*, II, 5).

[25] Not to be confused with the commentary on *More Nebuchim* by Solomon Maimon, published in Berlin in 1791 under the same title.

Prague, 1612. Heller does not mention this work; did it not seem important enough to him, or did he have other reasons for passing it over? Catalogue Oppenheim (Q. 1085) mentions this edition to *More Nebuchim,* but omits to name its glossator. Zunz, *Zur Geschichte und Literatur,* does not seem to know the work at all.

4. תוספות יו"ט, a voluminous commentary to the Mishna which found general approval and went through numerous editions. The author finished the work on the twenty-second of Cheshvan, 5377, (October 13, 1616). The printing, however, had already begun two years earlier. It was published within three years by Moses b. Bezalel and caused a sensation upon its appearance. The chief rabbi of Prague, Efraim Lenczycz, recommended it warmly for general study. To compile this most complicated work—a task requiring tremendous concentration and diligence—Heller used a number of manuscripts which were difficult to obtain, and he states this fact with gratitude to the men who readily put them at his disposal. The scholar, Judah Loeb Hakohen of Ofen, turned over to him an excellent manuscript, that originated in Palestine and dealt with the three Mishna tractates, *Zeraim, Kodashim,* and *Toharoth.*[26] Simon Wolf Oppenheim of Worms, famous for his scholarship, forwarded to him a manuscript about *Toharoth* by R. Meir of Rothenburg. He enclosed a letter mentioning that his and Heller's grandmothers had been sisters.[27] In Nemirov he obtained a copy of *Zeraim* written on parchment with a short commentary and supplements to each tractate, the author of which signed his name as "Elia."[28] Heller often refers to this work in his commentary to the Mishna, especially in the enlarged, second edition which he published in Cracow in 1644. The Catalogue of Oppenheimer (Q 385) mentions only the three first parts, published as early as 1643.

[26] Preface to *Kodashim.*

[27] Preface to *Toharoth.*

[28] *Pea,* VI, 4.

5. פלפלא חריפתא or מעדני מלך, a commentary to the codex of Rabbenu Asher, which contains the section of *Nezikin*, was published in Prague in 1619. The author considered this work as not quite perfect and remarked in his מגלת איכה : "The work published later under the same name but dealing with other parts of the afore-mentioned codex is more detailed and greatly improved."[29]

6. A German translation of the work by Asheri, ארחות חיים (moral advice for his children in the form of a last will) ; Prague, 1626. It is not sure whether this work was ever published. Bassista does not refer to it at all, while Oppenheimer (Q 1191) mentions it as one of the manuscripts.[30]

7. Sermon to the weekly portion, חיי שרה, delivered in Vienna upon the disappearance of the plague; Prague, no year given.[31]

8. מעדני מלך and לחם חמודות, two commentaries to Asheri on the tractate *Berachot* with excerpts from other tractates, one of which contains a detailed analysis, the other a condensed treatise on the meaning and purpose of the Halacha; Prague, Moses ben Bezalel, finished on Friday, בחקותי פ׳, May 26, 1628. A revised edition of the work was published by Abraham, Heller's son who, though only thirteen years old, possessed such an astonishing maturity of mind and deep knowledge of the rabbinical literature that a work of this

[29] גדול וטוב מן הראשון that is the remark which I found only in a manuscript from 1770.

[30] Hock, *Gal-Ed*, No. 163, mentions this work as having been published in Prague in 1626. Hock's source for this statement is unknown to us; he had access to numerous out-of-the-way sources. Zunz, *Zur Geschichte und Literatur*, p. 296, makes no mention of this work.

[31] Catalogue Oppenheimer, Q. 884. Since Heller lived in Vienna only for two years (1625-1627), it must have been during these years that the plague occurred there. In Frankel's *Inschriften des alten jüdischen Friedhofes in Wien*, no reference to the plague is found, except for that on the tombstone No. 54 of 1623 (דבר בא לעולם).

kind could readily be entrusted to him.[32] A second edition was published in 1745 at Fürth; it bears a different title and contains three other tractates, *Bechorot, Chulin,* and *Nida.* At the beginning there are approbations by Jonathan Eibenschütz, rabbi in Metz, Baruch Rapoport, rabbi in Fürth, and his son Nathan, rabbi of the district of Würzburg.

9. ברית מלח, rules in the German language concerning the salting of meat to be read and observed by women; Amsterdam, 1718.[33]

10. Glosses in the codex of *Eben Haezer* which were published in Metz in 1765 as a supplement to *Ketubot* by Solomon ben Aderet.[34]

11. מגילת איבה, an autobiography written in Cracow in 1644, in which Heller deals in a simple manner with all events that occurred from the time of his appointment as rabbi in Prague until his departure to Cracow.[35] Without exaggeration he describes his many sufferings, sparing his persecutors by concealing their names; he expresses hearty thanks to the friends who stood by him in times of unhappiness and mentions their names for perpetual remembrance. This doc-

[32] מעדני מלך, at the end.

[33] In the Michael Library, אוצרות חיים, No. 604.

[34] Asulai, ed. Benjacob, II, letter ה, No. 13. The additions are found in אוצרות חיים, No. 1333; the year is given as תקכ"ה.

[35] Shortly after its publication, this Megilla was translated into Judeo-German. I have in my possession a manuscript, written in 1773, which contains the Hebrew and the German texts. Although it is written by one scribe, several considerable variant readings can be found. [Cf. Guido Kisch, "Die Megillat Eba in Seligmann Kisch's Übersetzung," *Jahrbuch der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik,* I (1929), pp. 421-447. Now, to the list of editions of the *Megillat Ebah* (pp. 426-434) the following items are to be added: 9. Warsaw, 1926-1933, published by Max Erik, "Di Memorien fun dem Tosves Yom-Tob," in Noah Prilutzki and Samuel Lehman, *Archiv far yiddisher Shprachwissenshaft, Literaturforshung un Ethnologie,* pp. 179-217, printed from an Oxford manuscript of the seventeenth century. 10. Satu-Mare (Rumania), 1930, published by Bernat Friedmann, in his משה ישמכר, at the end of this book; twelve pages separately numbered. 11. Djerba (Tunisia), 1946, published by Goussa Haddad, in his אשביע לחם, I, pp. 90-109, an Arabic translation printed in Hebrew characters.]

ument was published only recently because, as I was told, its publication was prohibited by the existing censorship. Moses Körner published it for the first time in Breslau in 1836; thereafter it appeared in Vienna in 1862 (Adalbert de la Torre) with a German translation. In 1870 it was also printed in Warsaw and, as the title page indicates, this edition conforms fully to the original in Cracow, handwritten by the author. The various editions are alike in their general outline but differ in details, for it is inconceivable that all the innumerable copies of this Megilla from earlier times should show a completely identical wording.

12. דרוש חדוש הלבנה, lecture on the phases of the moon, in which many passages from Bible and Talmud on the changes of the moon are explained; Vilna, 1866.[36]

13. Responsa of which only few are contained in שו"ת צמח צדק and שו"ת הגאונים בתראי; many are preserved in manuscript form;[37] the same holds true for the following manuscripts:

14. טוב טעם, supercommentary to ספר בחיי על התורה. Heller mentions it in מ"א as a work of his youth caused by the following circumstances: the afore-mentioned work of Bachia b. Asher (1291) was then a generally favored reading-material and it attracted also his attention. But since part of it was devoted to kabbalistic explanations, he tried to elucidate that section with the help of the books just published, namely, *Pardes Rimonim* by Moses Corduero, מגלה עמוקות by Nathan Spira, and of a kabbalistic explanation of the Bible by Nachmanides which, written on parchment, was in his possession. Heller named this work טוב טעם, but it was never printed.

15. מלבושי יום טוב to the four codices named *Turim*. He wrote this work before his unfortunate experiences in

[36] *Ir Hatzedek*, p. 103.

[37] Bassista, under ש, No. 20.

Prague. It was never published but Elia Spira mentions it often in his אליה רבה.

16. מעדני מלך, commentary to *Moed* and *Nashim.*

17. תורת האשם, commentary to תורת החטאת by Moses Isserles.[38]

18. פרשת החודש, commentary to a part of the code of Maimonides which deals with the fixation of the new-moon days and leap years. This work was never printed but is mentioned several times in *Tossafot Jomtov.*[39]

19. דרכי הוראה, casuistic instructions for the correct decision of various cases, especially when the teachers of law differ in their opinions and decisions. The manuscript is in Prague. Bassista declared it an excellent work, חבור יפה.[40]

This scholarly activity of Heller demonstrates not only his intimate acquaintance with the available literary materials, his deep understanding of the trains of thought in question, but also a noble and honest approach, a pure and sincere character. Heller intended neither to boast of his knowledge, nor to satisfy his ambition or his thirst for fame; all his efforts were devoted solely to seeking the truth; to find it, to clear it from the layers of mud that cover it, to bring it out from the hidden corners of the human mind—that was his sole aim.[41] To comment, to explain, to separate truth from falsehood—that was the task of his life, the element in which he moved with great versatility and skill. This is borne out by his Mishna commentary *Tossafot Jomtov,* a gigantic work which required unusual concentration.

[38] *Tosafot Jomtov,* Terumot, X, No. 8, and in other places.

[39] *Ibid.,* Rosh Hashanah, I, No. 9.

[40] *Siphse Jashenim,* letter ד, No. 45.

[41] In *Tossafot Jomtov,* Succa, IV, No. 5 (at the end), Solomon Luria is reprimanded by him as follows: "If he had examined it more carefully, he would have found the truth and would have confessed to it, as befits any scholar and all the more a scholar of his caliber."

There his splendid mind is evident, his clear intellect, his unbiased view being much broader than that of many of his contemporaries. Very early Lipman Heller had turned his attention also to the non-rabbinical literature, unlike many other scholars of his era to whom the Talmud was the only field of knowledge and who did not care for other studies. Heller had acquired a profound knowledge of languages,[42] was familiar with mathematics,[43] and deeply interested in history and geography.[44] To understand the meaning of the Mishna, he considered not only the content but analyzed the style as well, and investigated the expressions from an etymological viewpoint, to understand them correctly according to the rules of grammar.[45] Heller opposed Simon of Sens (1235), who in his Mishna commentary refused to recognize the geometric rules, and said: "He should not have dared to dispute what the masters of geometry have proven to be correct. Other sciences, such as philosophy, etc., may allow doubts in their theories, but in mathematics pure truth reigns supreme."[46] Maimonides, whom Heller quotes on almost every page of his *Tossafot Jomtov,* was his guide. Like him he did not take verbally passages of the Haggada being in discord with pure reason, but he tried to make them comprehensible to the intellect and, if possible, to bring them in harmony with science.[47] He

[42] *Tossafot Jomtov,* Shebiit, IX, No. 6; cf. *ibid.,* Tamid, at the end where he mentions that the philologist, Samuel Archevolti in Venice, author of the Hebrew grammar, ערוגת הבושם, (Venice, 1602), had sent him his supplements to this work. Since this scholar died as early as 1611, the name of Heller must have been known in Italy while he was still very young.

[43] *Ibid.,* Kilaim, III, I and V, 5; Nasir, IX, 3, and in many other places.

[44] *Ibid.,* Shekalim, VI, 3, the *Jewish War* by Josephus is quoted with the remark: "The statement by Josephus ought to be nearer to the truth, but we must believe absolutely in the tradition." In *Divre Chamudot* to Orla, No. 34, the edition of Josephus, Strasbourg, 1504, is cited; he also gives evidence of his extensive reading in the books of the Maccabees, Megilla, III, 6, in the geography book, כפתור ופרח, by Esteri Parchi, Sota, I, 5; Gittin, I, 1 and 2, etc.

[45] *Tossafot Jomtov,* Sabbath, XII, 5; Kiddushin, III, 5; etc.

[46] *Ibid.,* Kilaim, V, 5.

[47] *Maadane Jomtov,* I, No. 7.

asserted that one must not take literally the explanations of the talmudic sages; where the religious sphere is not touched, we are permitted to give the words of the Scriptures and of the Mishna our individual interpretation without consideration for the explanation of the Gemara.[48] He was not even averse to criticism, and he cited the critical work, *Meor Enayim,* although it was banned and prohibited by Loewe b. Bezalel whom he highly esteemed.[49]

As for his attitude to the Kabbala, there is no doubt that Heller did not attach any practical importance to it; in questions of Halacha, he did not care about the theories of the secret doctrine, and stated: "In our talmudic writings, we do not consider kabbalistic secrets."[50] He had a similar view on synagogal poetry, the Piutim. He defended them against the depreciatory opinion of Maimonides,[51] but did not value them very highly. He did not regard it as appropriate to molest the community with superfluous prayers at the divine service, considering it a waste of time for the students of Torah to have to recite more prayers than were prescribed by the members of the Great Synod.[52] Only on extraordinary occasions did he consider it a holy duty to direct the attention of his fellow-believers to these prayers. The latter should have the purpose to make them recognize the rule of the heavenly father, to teach them to call on him in times of need, and to thank him for his help. Like his predecessors, Mendels, Horowitz, and Lenczycz, Heller composed several prayers of repentance, two *Selichot,* (אנוסה לעזרה and ארכו הימים) dealing with the battle of the White Mountain, which are still recited in the

48 *Tossafot Jomtov,* Nasir, V, 5; of *Aboth,* II, 6.—Also Rappoport, *Erech Milin,* Preface, p. VIII, and *Kerem Chemed,* V, p. 170, draws attention to this free remark of Heller's.

49 *Tossafot Jomtov,* Menachot, X, 3.

50 *Maadane Jomtov, ibid.,* I, 12, and in many other places, as well as in *Divre Cham.,* it always reads ואין לנו עסק בנסתרות.

51 *Maadane Jomtov,* Berachot, V, 16.

52 *Divre Cham.,* Berachot, IX, 84.

Altneu-Synagogue in Prague on the 14th of Marcheshvan;[53] three *Selichot*, אלקים באזנינו שמענו, אלה אזכרה, אל מלא רחמים, dealing with the Jewish persecutions in the Ukraine in 1648 and 1649, to be recited in Poland on the twentieth of Sivan and on the Day of Atonement.[54]

In closing we ought to mention briefly Heller's descendants. From his two wives[55] he had four sons[56] and five daughters.[57] The sons were distinguished by their profound learning, while the daughters were married to well-known scholars.

The Heller family branches out widely in Poland and in Bohemia. This writer, too, belongs to it through his mother, whose father, Lipman Jeiteles, was named after the author of *Tossafot Jomtov*.[58]

[*To be continued*]

[53] In the introduction he gives a brief account of the cause of this battle and its result. He adds that the emperor protected the Jews and guarded them from insults and plundering; this is particularly mentioned in these prayers.

[54] Cf. Landshut, *Amude Ha-avodah*, p. 84. In the Siddur קרבן מנחה (Vienna, 1839), six *Selichot* for the 20th of Sivan are included, none of which is identical with those mentioned above.

[55] On the title-page of *Maadane Jomtov*, there is mention of only one father-in-law, Moses Aron Ashkenazi; it seems that there is also an erroneous remark in *Gal-Ed* (p. 67) that Heller's second wife, Rachel, had a great-uncle by the name of Pinchas Horowitz. In מגלת איבה, from where this remark is taken, it reads: "ואשתו הרבנית", which means that she was the wife of Horowitz, and not of Heller.

[56] Moses (*Tossafot Jomtov*, Uktzin, III, 12), who lived in Prague; Samuel, in Nemirov (*ibid.*, *Berachot*, II, 1); Abraham, often mentioned, wrote a commentary to the Yerushalmi (*Sota*, IX, 1); Loewe, in Brecz, Lithuania (*Mikvaot*, IX,3), died while his father was still alive.

[57] Nachta, wife of Aron Mireles in Vienna, died in 1632; Nissel, wife of Wolf Slowes, died while her father was still alive; Rösel, wife of Jacob Josef Kohn, school director in Turinsk; Rebeka, wife of Hirsch in Cracow, who died early (*Kelim*, XXII, 4); Dobrisch, wife of Samuel, son of Jacob Bas-Schewi (*Gal-Ed*, No. 28), in Prague (died in 1643).

[58] Information by my late father זלה"ה.

JEWS AND CHINA IN EIGHTEENTH-CENTURY LITERATURE

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THE present article concerns itself with the writings of four authors of the eighteenth century which contain references to both Jews and China. The numerous references applying to either the Chinese or the Jews separately are not the topic of this discussion.

Montesquieu wrote his *Lettres persanes* in 1721. He set the fashion for liberal eighteenth-century writers to express their criticism of existing social conditions through the medium of fictitious correspondents from exotic countries. This example had many imitators; the most outstanding among them were Jean-Baptiste de Boyer, Marquis d'Argens (1704-71), Frederick II, King of Prussia (1712-86), Francois Marie Arouet de Voltaire (1694-1778), and Ange Goudar (1720-91). The writings which will be examined in this article are the *Lettres juives* (1736) and *Lettres chinoises* (1739) by d'Argens; the *Lettres de Phihihu* (1760) by Frederick the Great; Voltaire's *Lettres chinoises, indiennes et tartares à M. Pauw par un Bénédictin* (1776); and *L'espion chinois* (1765) by Goudar. Only two of these items actually deal with the Chinese Jews at Kaifeng, one by d'Argens and another by Voltaire; the rest have no factual background with regard to China.

D'Argens

The Marquis d'Argens is not too well remembered; hence, a few biographical data will be given about this gay and adventurous character.[1] After a fitful military, diplomatic, and legal career in Europe and Turkey, he again became a soldier. A fall from his horse, however, incapacitated him for further service. He then returned to Holland to earn a living by painting and writing. His books aroused the interest of Frederick the Great, and when d'Argens came to Potsdam in 1741, he was appointed "Directeur des Beaux-Arts." He stayed in Prussia until 1769, when he obtained with difficulty a leave of six months. He fell ill in France, but Frederick was under the impression that he did not intend to return. This misunderstanding led to the rupture of their close friendship. D'Argens retired in France, where he died in 1771.

The *Lettres juives,*[2] of which the present writer has only seen the third English edition,[3] contain merely a few references to the Chinese. In letter 38 d'Argens questions the validity of biblical chronology[4] and the extent of the Flood:[5]

> We read that two or three hundred Years after the Flood . . . China, Scythia, and Tartary, were also flourishing States. How can it be comprehended, that the three Children of Noah could in two hundred Years Time produce Numbers sufficient to people such vast Provinces. . . .

In letters 69 and 108 d'Argens uses the Chinese claim

[1] Cf. Maurice Tourneux in *La Grande Encyclopédie,* III, (Paris,) pp. 832-833.

[2] *Lettres juives, où correspondance philosophique, historique et critique entre un juif voyageur à Paris et ses correspondants en divers endroits,* 6 vols. (Paris, 1736). Other editions appeared in 1738, 1742 (6 vols.); 1754 (8 vols.).

[3] *The Jewish Spy,* English ed. of the *Lettres juives* (London, 1739-40; 3rd ed., 6 vols., 1766); the references are to the latter edition.

[4] It was later questioned by Voltaire as well.

[5] D'Argens, *op. cit.,* I, p. 282.

to possess the longest history and the oldest language to refute the validity of biblical chronology.[6]

With evident pleasure and with an eye on European ecclesiastics of all denominations, d'Argens tells of the legal punishment of deities and "bonzes" in China, who had failed to serve the people effectively in spite of faithful worship (letters 55 and 191).[7]

The correspondent of letter 124 reports the claim of the Jesuits to have introduced Christianity in China and mentions the controversy of rites between the Jesuits on the one hand and rival orders on the other.[8] This quarrel lasted throughout the eighteenth century and affected the relations between the Vatican, the Spanish, the Portuguese, and the rising French power under Louis XIV; it all but wrecked the Catholic missions in China.

The *Lettres chinoises* are presented as a "philosophical, historical, and critical correspondence between a Chinese traveller at Paris and his countrymen in China, Muscovy, Persia and Japan."[9] Numerous sections of this work treat of the Jews in various parts of Europe. Spinoza and his philosophy are described in letters 14, 16, and 66;[10] the status of the Jewish community at Frankfort in letter 88;[11] the persecution of Jews in Europe in letters 120, 123, and

[6] *Ibid.*, II, p. 220; III, p. 219.—Voltaire also took up this problem, cf. *infra*, n. 27.

[7] *Ibid.*, II, p. 111; V, pp. 285-286.

[8] *Ibid.*, IV, p. 29.

[9] *Lettres chinoises ou correspondance philosophique, historique et critique, entre un chinois voyageur et ses correspondants à la Chine, en Moscovie, en Perse et au Japon*, 5 vols. (La Haye, 1739-40).—Other editions appeared in 1751 (5 vols.); 1755 (6 vols.); 1766 (2 vols.); English translation, London, 1741; German transl., Berlin, 1768. References are to and quotations from the French ed. of 1755.

[10] *Ibid.*, I, pp. 131 ff., 160; III, p. 92.

[11] *Ibid.*, IV, p. 13.

124;[12] Jewish customs and rites in letters 128-129.[13] The theory that Hebrew is the language closest to the original sacred speech has been rightly rejected in letter 149.[14] Such theories were, however, very common at that time because of the limited knowledge of oriental history and languages. But d'Argens was mistaken about the Nestorian stele with a Syriac inscription dating from 781 which had been discovered in 1625 near Sian, the capital of Shensi province. This monument, together with two Chinese manuscripts by a Nestorian or Jacobite monk form the earliest authentic evidence of the knowledge about Jews and Judea in China.[15] In letters 145-147, d'Argens—and Voltaire as well—declared with exaggerated skepticism the Sian stele to be a forgery or a pious fraud.[16] D'Argens was comparatively well informed regarding the Jewish community in Kaifeng, the capital of Honan province, and at various times the capital of China. He obviously obtained his information from a letter of Père Gozani written in 1704 which had been published in the *Lettres édifiantes* and of which Voltaire made use several decades later.[17] D'Argens wrote about the Jews in letter 116:[18]

Le nombre des Juifs est aussi grand en Allemagne, cher Yn-Che-Chan, qu'il est petit à la Chine: a peine connoît-on aujourd'hui les Juifs dans notre heureuse patrie; ils n'y ont même été jamais fort nombreux. Sous la dynastie des Han, qui commença a regner deux cents six ans avant

[12] *Ibid.*, V, pp. 23 ff., 53 ff., 68 ff.

[13] *Ibid.*, V, pp. 117 ff., 131 ff.

[14] *Ibid.*, VI, pp. 67-79.

[15] A Chinese translation of the "Jesus-Messiah Sutra" with a rendering of the Ten Commandments (dated between 635 and 638) and a Chinese adaptation of the Sermon of the Mount (dated 641). Cf. P. Y. Saeki, *The Nestorian Documents and Relics in China* (Tokyo, 1937), pp. 125-160, 238-241.

[16] *Ibid.*, VI, pp. 17 ff., 26 ff., 39 ff.—Cf. also Bernhard Duhr, S. J., *Jesuiten-Fabeln* (2nd ed., Freiburg im Breisgau, 1892), pp. 473-478.

[17] Cf. *infra*, n. 26.

[18] *Lettres chinoises*, IV, p. 309; cf. also VI, p. 67.

la naissance du Législateur des Chretiens, quelques Israélites s'introduisirent à la Chine; mais bien-loin de s'y multiplier, comme par-tout ailleurs où ils ont été reçus, ils diminuèrent insensiblement. Il ne reste plus aujourd'hui que sept familles Juives dans tout l'Empire, qui s'allient toujours les uns avec les autres; et qui ont une seule synagogue dans Caifong, capitale de la Province de Honan.

It is not surprising that d'Argens accepted the spurious date of 206 B.C.E. for the arrival of the Jews in China. Gozani had obtained it from the Kaifeng Jews, and this date first appears in the Chinese inscription of 1663 on one of the Jewish steles found in Kaifeng. Presumably the Jews had wanted to show their long tradition to the local authorities under the suspicious Manchu or Ch'ing dynasty which had established its rule in 1644. The Manchus looked askance at any sect or national minority with foreign affiliations that seemed to threaten their alien rule and persecuted them. It is quite possible that the Jews in the end genuinely believed that their ancestors had arrived at that early period. It was not until the twentieth century that scholars like Chavannes,[19] Pelliot,[20] and Laufer[21] were able to establish the time of arrival in China of the Kaifeng colonists somewhere between the ninth and tenth centuries.

Frederick the Great

Next to Voltaire, d'Argens has probably had more influence on Frederick's writings than anyone else. One of the reasons for this fact lies in his sojourn at the Prussian

[19] Ed. Chavannes, "Histoire générale: Chine," *Revue de synthèse historique*, I (Paris, 1900), p. 296; cf. also *T'oung Pao*, série II, vol. V (1904), pp. 482-483.

[20] P. Pelliot in book reviews, *BEFEO*, I (1901), pp. 263-264; VI (1906), pp. 413-414.; cf. also II (1902), p. 146, n. 1.

[21] Berthold Laufer, "Zur Geschichte der chinesischen Juden," *Globus*, LXXXVII, no. 14 (Braunschweig, Apr. 13, 1905), p. 247; "A Chinese-Hebrew manuscript, etc.," *American Journal of Semitic Languages and Literatures*, XLVI, no. 3 (Apr., 1930), pp. 192-193.

court. Voltaire stayed with Frederick less than three years, from 1751 to 1753, while d'Argens was with him through almost thirty years, from 1741 to 1769.

The close connection between the two is also evident from the *Relation de Phihihu, émissaire de l'empereur de la Chine en Europe, traduit du chinois.*[22] Frederick acknowledged his indebtedness for the conception of this work to the writings of Montesquieu (*Lettres persanes*) and those of d'Argens (*Lettres juives*) in his poem accompanying the copy of this pamphlet for d'Argens and dedicated to him.[23]

Frederick wrote the six fictitious *Lettres de Phihihu* as a satire on Pope Clement XIII, who had presented Frederick's military antagonist, the Austrian field marshal, Leopold Josef Count von Daun (1705-66), with a blessed cap and sword.

Frederick introduced as the main informant of Phihihu a Portuguese Jew, one of the so-called *marranos,* who had been forcibly converted to Catholicism in Spain and Portugal at the turn of the fifteenth century, but secretly adhered to the Jewish faith. This Jew explains to Phihihu the shortcomings of the Catholic Church and its persecution of the Jews. At Phihihu's request the Portuguese tells him about the Jews as follows (letter 3):[24]

> Les Juifs . . . ont été le peuple élu de Dieu; ils ont habité la Judée; ils ont été enfin chassés par les Romains, et ils vivent à présent dispersés sur la terre . . . Notre livre de lois est celui sur lequel les chrétiens fondent le leur; ils avouent que leur religion tire son origine de la nôtre; mais ces enfants ingrats battent et maltraitent leur mère.

[22] (Cologne, 1760), 24 p.—Reprinted in *Oeuvres de Frédéric le Grand,* vol. XV, no. xx, (Berlin, 1850), pp. 147-161; cf. pp. xxii-xxiii.

[23] "Épître au Marquis d'Argens en lui envoyant les *Lettres de Phihihu,*" *ibid.,* XII, pp. 146-148 (March, 1760).

[24] *Ibid.,* XV, pp. 152-153.

VOLTAIRE

Voltaire wrote his *Lettres à M. Pauw* in 1776.[25] In his eighth letter he discusses the visit of the Jesuit missionary Jean-Paul Gozani (1647-1732) to the Kaifeng Jewish community in 1704.

Gozani had seen the Kaifeng Jews first in 1701, but as he did not know Hebrew, he did not then follow up his investigation of their sacred writings. In 1704 he called on them again at the request of his superior, Father Joseph Suarez, in Rome. The results of this visit have been recorded in a letter dated Kaifeng, November 5, 1704. A French translation of it was published in the *Lettres édifiantes* and has been reproduced or drawn upon in numerous other publications.[26]

This letter is one of the few original sources on the status of the Kaifeng Jews at that time. Gozani himself points out that he did not know Hebrew. However, he partly overcame that difficulty by comparing the handwritten Hebrew titles of the Old Testament books in his copy of the Bible with those of the synagogue scriptures. He thus discovered that the community had the Pentateuch. Beyond that he cautioned his superior regarding some of the information which was based only on hearsay. Gozani's report was made without any ulterior motive on his part; he was painstakingly honest, and he discharged himself admirably of his assigned task under the circumstances.

Voltaire does injustice to Gozani's historical contribu-

[25] "Lettres chinoises, indiennes, et tartares à M. Pauw par un Bénédictin," in *Oeuvres complètes de Voltaire*, XXIX (nouvelle édition, Paris, 1879), pp. 451-498; letter 8, pp. 476-479.

[26] "Lettre du Père J. P. Gozani au Père Joseph Suarez, traduite du Portugais," in *Lettres édifiantes et curieuses*, etc., publiées sous la direction de M. L. Aimé-Martin, (*Panthéon littéraire*) tome troisiéme, *Chine* (Paris, 1843), pp. 149-153; "Remarques sur la lettre du Père Gozani," pp. 153-154.

tion. He ridicules the investigation to suit his own purposes, namely, to attack the Catholic Church, to give vent to his animosity against Jews in general, and to attack the scholastic efforts of his contemporaries to reconcile Chinese and biblical chronologies.[27] Voltaire does not hesitate to disregard and distort facts by introducing fictitious elements in order to attain this end. He alleges that an old merchant, Jean Duchemin, financed Gozani's visit to the Kaifeng Jews. Gozani supposedly lured him into this enterprise by holding out the prospect of seeing the descendants of the ten lost tribes, who had founded the "Kingdom of K'ai-feng-fu." Voltaire then pretends that Duchemin spent 2,000 *taels* for travel and equipment, and had the rest of his money stolen by the Kaifeng Jews. These Voltaire presents as a "dozen beggars selling old rags."[28] Duchemin, the whole narrative, and the allusions ridiculing biblical chronology are, of course, pure inventions; but they are effective coming from the fluent, if flippant, pen of Voltaire.

GOUDAR

L'espion chinois, written by the French economist, Ange Goudar,[29] is a drab imitation of the *Lettres juives* and *Lettres chinoises* by d'Argens.[30] Goudar had practically no knowledge of China, although he wrote his work in 1765, when more information was available. The pedantic letters of his fictitious correspondence on the social, economic, and polit-

[27] Regarding the antiquity of Chinese history and chronology, cf. *Oeuvres complètes de Voltaire,* XI, pp. 55, 151, 167; XVIII, p. 149; XXVI, p. 390; XXIX, p. 125.

[28] "Une douzaine de geux qui vendaient des haillons."

[29] *L'espion chinois, ou l'envoyé secret de la cour de Pékin pour examiner l'état présent de l'Europe; traduit du Chinois,* 6 vols. (Cologne, 1783).

[30] Goudar even borrowed the title for his work from d'Argens, whose *Lettres juives* had appeared in the English translation as *The Jewish Spy.*

ical situation in Europe contain only a few vague comparisons to conditions in China. The Jews are mentioned in three instances: in connection with their religion;[31] their persecution by the Inquisition in Avignon;[32] and the punishment meted out to them by the Inquisition of Lisbon for refusing to eat pork.[33] Even these three brief items do not represent any fundamental approach to the problem.

The four authors obtained their information apparently exclusively from the letter of the Jesuit missionary Gozani (1704). The later visits of the French Jesuits, Jean Domenge (1722)[34] and Antoine Gaubil (1723) were evidently unknown to them.[35] Voltaire and Goudar, who wrote much later than d'Argens and Frederick, were not familiar with the summaries of two other French Jesuits, Pierre-Martial Cibot (1770)[36] and Gabriel Brotier (1771),[37] who had compiled all the information then available regarding the Kaifeng Jews.

D'Argens and Frederick were both interested in the Jews from a sociological, historical, and religious point of view. Their attitude towards them was less prejudiced than that of Voltaire.

Voltaire started to direct his attention to China in 1740,

[31] *L'espion chinois*, I, p. 42.

[32] *Ibid.*, IV, p. 121.

[33] *Ibid.*, VI, p. 128.

[34] Louis Pfister, S. J. (1833-91), *Notices biographiques et bibliographiques sur les Jésuites de l'ancienne Mission de Chine* 1552-1773, 2 vols. (Shanghai, 1932-34); *Variétés sinologiques*, nos. 59-60, I, no. 231, pp. 499-500.

[35] *Ibid.*, II, no. 314, pp. 684-685.

[36] "Mémoire sur les Juifs de la Chine," Peking, October 28, 1770; publ. in *Études religieuses*, XII (1877), pp. 748-758. Cf. Pfister, *Notices*, II, p. 901.

[37] "De Judaeis Sinensibus," in *C. Cornelii Taciti opera*, II (Paris, 1771), pp. 567-580; cf. also "Mémoire sur les Juifs établis en Chine," in *Lettres édifiantes (Panthéon littéraire)*, IV, pp. 140-150. References are to this edition; earlier editions appeared in 1765, 1769, and 1774.

when he began to document his *Histoire universelle.*[38] He, Leibniz, and many other leading men of their time greatly admired and idealized that country which, almost up to the end of the eighteenth century, in culture, social and military organization was equal if not superior to any European state. The learned French Jesuits who had direct access to the Chinese court were their main source of information. This fact adds an ironical touch to the anti-ecclesiastical views and outbursts of Voltaire. He was mistaken and opinionated concerning Gozani's letter discussed in this article. Voltaire was led astray by his own skepticism and prejudices.

Goudar, a feeble imitator of his three predecessors, does not deserve further mention.

The presence of Jews in Kaifeng has been of small importance in Chinese history. But it helped to induce Europeans to revise their narrow concepts of the world and its peoples. It contributed to the coordination of the histories of occidental and oriental nations and led to a revision of historical chronologies.

[38] Virgile Pinot, *La Chine et la formation de l'esprit philosophique en France (1640-1740)* (Paris, 1932), pp. 366, 430.

BOOK REVIEWS

Pseudo-Philo's Biblical Antiquities: A New Edition After 400 Years

PSEUDO-PHILO'S LIBER ANTIQUITATUM BIBLICARUM. By *Guido Kisch.* (Publications in Mediaeval Studies. Editor: *Philip S. Moore,* C.S.C. Vol. X.) The University of Notre Dame. Notre Dame, Indiana, 1949. Pp. VI and 277, with 9 illustrations.

THIS work was first printed at Basle in 1527 and it was last reprinted in 1599 at Heidelberg. Professor Kisch's edition is the first, other than the sixteenth-century reprints, to appear since the *editio princeps.* An English translation with valuable introduction and notes, the work of M. R. James, appeared in 1917 and a German version by P. Riessler in his *Altjüdisches Schrifttum ausserhalb der Bibel* in 1928. A few studies connected with the book have appeared in modern times, but otherwise it has been generally unknown or neglected.

This ignorance and neglect have been unfortunate, for the work is an important one. Written in Hebrew after 70 A.D., it was translated into Greek probably before 135 A.D., and from Greek into Latin in the fourth century. This Latin version has alone survived, but the book itself seems to have been produced in a Jewish circle that was neither Tannaitic nor Christian, and has resemblances to 2 Esdras and the Syriac Baruch. The *Biblical Antiquities* is thus valuable and interesting evidence for a period of Jewish history and a kind of Judaism which is instructive for both early Christianity and the *Tannaim.*

The book is important in another direction. It is an early witness for the text of the Hebrew Bible, a subject particularly before our minds now when we are awaiting the publication of the Dead Sea Rolls. We must recognize that we cannot always be certain that we have the original form of the *Antiquities,* and may suspect that sometimes the Latin Bible, especially the Vulgate, has influenced the text. Elsewhere, for example in the commoner proper names, it has been conformed to the Septuagint. Thus Joshua's father appears as Nave (e.g., xx.1), and Doeg is a Syrian as in the Septuagint Samuel (lxiii. 2, 4). We have however proof that the biblical text originally used in the *Antiquities* was independent of the Septuagint and the Vulgate, which is roughly equivalent to the text of our Hebrew Bible. Here and there the *Antiquities* agrees with the Samaritan against the Septuagint and the Vulgate. These agreements are important for two reasons. First, they

show that the readings involved are real variants and not just midrashic paraphrases and embroideries. Secondly, we cannot suspect that our book has been assimilated to the Samaritan Pentateuch at these places as there is no point of contact between the tradition of the *Antiquities* and the Samaritans. We can therefore infer from these agreements that for the Hebrew original of the *Antiquities* an Old Testament text was used that was independent of the LXX and the Massoretic Hebrew. As this text does not regularly follow the Samaritan we may conclude that it was independent of that recension too. At one point, the account of the furnishing of the Tabernacle (xi. 15, xiii. 1), the *Antiquities* implies a text of Exodus that differs in order from all other known recensions, different as these are among themselves.

Professor Kisch has given us a text based on the Admont manuscript (Adm., XIth century), with the variants of the *editio princeps* (A), the Melk manuscript (M, XVth century), and selected variants from six other manuscripts. Particularly important is the evidence of Adm. with which M often agrees. While it is derived from the same damaged archetype as all other known manuscripts, it often corrects and supplements A. Professor Kisch has used it to give us a greatly improved edition of the *Antiquities*. Much that was before obscure becomes clear in the new text and a number of gaps in the old text are filled. On pages 64 and 65 the variants of Adm., M and A are tabulated for 21 passages in most of which the readings of Adm. at once carry conviction. For example, at v.8 "iuxta," A is a corruption of "uixit" Adm. At iv.4, xiii.1, xxiii.5,7, xxv.9, xxvi.4, xxxii.10, xxxvi.4, xlii.9, xlvi.4, lii.4, lvi.4-5 the longer text of Adm. is right.

On the other hand Adm. sometimes goes wrong over Greek words. These are frequent in the *Antiquities* and not all of them were acclimatized or generally understood in the Latin West. At xxiii.7 "metras" A may well be right against "uuluas" Adm. We should expect the Greek word to be glossed and displaced by the Latin word rather than the reverse. "Metra" occurs in both Adm. and A at xxiii.8 and frequently elsewhere (xlii.3 mystram] Adm.: metram A *recte*, l.4, li.2). For "mea petra" Adm. (xxiii.5) we should read "ea metra" P or something like it. Perhaps we should add "metra" after "conclusa" with R (xxiii.7).

Another passage where a Greek word has been preserved in A but not in Adm. occurs at iii.10, part of which runs in AP: "Et reddet infernus debitum suum et perditio restituet paratecem (-n) suam." For "et perditio . . . suam" Adm. MVR read: "et perditum restituet partem suam." Here "paratece," a Greek term, has caused difficulty. The frequent parallelism of iii.10 is noteworthy and this is better preserved in the reading of AP where "perditio" corresponds to "infernus" and "paratecem" to "debitum."

Elsewhere a Greek term has added to our difficulties. At ix.15 Adm. MVR read: "Et ut uidit puerum dixit: De filiis Hebreorum hic est." This is a clear and straightforward text. After "puerum" AP add "et dum vidisset* in Zaticon hoc est in testamentum (-to P) carnis." The phrase, "in testamentum carnis," has already appeared at ix.13, but what is "Zaticon"? When we remember that di- often becomes z- in late Latin, e.g., *zabulus* for *diabulus*, it is not difficult to see in "zaticon" diatecen. The whole addition at ix.15 looks like two glosses run together. Thus, "et dum uidisset" seems to be a doublet to "et ut uidit," and "in zaticon (*diatecen?*) hoc est in testamentum carnis" may be a marginal variant from ix.13. In the same way M. R. James suggested that at xlix.7 "usque ad annos multos" A is a doublet of "plurimis annis" in all manuscripts. If "in zaticon (*diatecen*)" was ever read at ix.13 it is hard to believe that it was an invention. On the other hand, it is easy to imagine the omission of an unintelligible word when the omission made no difference to the sense. Accordingly, "zaticon" may belong to the original text.

Here and there A seems to be right against Adm. in other kinds of reading. On page 91 we find a list of eleven passages where A has a longer text than Adm. The first of these at ix.15 has just been discussed. But in several passages, xi.12, xiii.8, xiv.1, xxxii.9, xl.4, A's longer text is clearly right. At xxiii.11, "ciuitates" and "habitatis" may be marginal variants to "uineas" and "edificastis," or, more probably, additions to assimilate the text to Josh. xxiv.13. The readings at xii.4, xxiii.8, xlvi.1, lv.6 are in doubt.

The conclusion seems to be that, while we cannot rely exclusively on any one manuscript, Professor Kisch seems to be right in his estimate of Adm. He deserves credit for having discerned the value of this manuscript, but above all we must be grateful to him and to Mr. H. L. Goodhart who have cooperated to rescue this Philonic apocryphon from undeserved obscurity and neglect. Mr. Goodhart is well known to scholars for his exhaustive and serviceable bibliography to Philo and he has made the learned world even more indebted to him by putting his two manuscripts, Adm. and M, at Professor Kisch's disposal for his edition.

Professor Kisch has spent much patient labor and learning on this edition. Thanks to him many more can now use this interesting book than were previously able to do so. All who study it have a serviceable text which they can use with confidence and an introduction which, besides providing many discoveries, ably summarizes all the work done on the *Antiquities* up to the present. The University of Notre Dame is to be congratulated on having made a valuable addition to its series of *Publications in Mediaeval Studies.*

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A Medieval Jewish Heretic

HIWI AL-BALKHI: A COMPARATIVE STUDY. By *Judah Rosenthal.* Dropsie College. Philadelphia, 1949. Pp. 59. [Reprinted from *Jewish Quarterly Review,* Vols. 38 and 39.]

THE rise of the Muslim empire in the seventh century and the transfer of the principal center of Jewish population and culture—Iraq (Babylonia)—into the sphere of Muslim civilization and social life, produced a tremendous upheaval in Jewish life and thought. The extension of Arab dominion eastward and northward of Iraq, into the great sparsely populated mountainous provinces of Khurāsān, Jibāl, Armenia, and the adjacent lands, opened a new outlet for discontented elements in the thickly settled metropolitan community. Those who held on to ancient opposition to talmudic tradition and resented its adoption as the ruling code governing Jewish life; those who refused to submit to the secular authority of the Exilarchs and to the theological supremacy of the Geonim, and who looked askance at the numerous bureaucracy maintained by both; those who groaned under the burden of double taxation—paid to the Muslim government on the one hand, and to the Jewish communal authorities on the other—or who belonged to the landless and propertyless proletariat which blamed the Jewish bourgeoisie and landed aristocracy for its poverty and misery—all these now were free to venture into the open spaces of the east and north, and to make new homes for themselves, out of reach of the atmosphere of Iraq which they could no longer endure.

These Jewish emigrants were—they had to be—hardy and adventurous souls. The mountainous features of the new lands in which they settled quickly implanted in them the mountaineer's typical earmark, a fierce spirit of independence and a stubborn insistence on being left alone to live his own life in a manner he likes best. Moreover, these frontier provinces were overwhelmingly Persian in population and culture, hence the Jewish immigrants were powerfully influenced by their neighbors' seething resentment at the loss of their independence and at the arrogance and rapacity of their alien Arab overlords. The resultant subversive agitation, conducted under the politico-theological banner of Shiism, contributed greatly by example to the rise of its Jewish counterpart, the tidal wave of non-Rabbanite heterodoxies.

The majority of these schisms ran along the channel of opposition to the Talmud, with its concurrent rejection of the authority of the Exilarchs and Geonim and condemnation of the social and economic injustices maintained by the *status quo* in Iraq. Their idealism expressed itself in an impatient Messianism, intensified by the heart-breaking collapse of Jewish hopes that the new Arab rulers might prove a lesser evil than their Persian and Byzantine predecessors, and in the concomitant

unworldly asceticism, by which God was to be persuaded to hasten the redemption and restoration of Israel, here and now, and not at some time in the distant future. These heterodoxies, of every type and variety, quarrelling and fighting among themselves, eventually merged into what later became Karaism, a separate and distinct sect, yet firmly preserving its essential Jewishness and its unswerving allegiance to the ethical and dogmatic principles formulated in the Bible.

There was, however, also another group of dissenters who concentrated their fire not upon the Talmud and its rabbinic ramifications, but upon the Bible itself. This was a new phenomenon in Jewry, and of so radical a nature that it drew upon itself in equal measure the wrath and execration of both the Rabbanite and Karaite camps. It is no wonder, therefore, that only faint traces of this anti-biblical group have come down to us, and these consist entirely of material written by its enemies.

The outstanding figure in this anti-biblical faction was Ḥayyawayh (usually misspelled Ḥīwī), a native or resident—significantly enough—of the far-away city of Balkh, in what is now Afghanistan, who flourished in the second half of the ninth century. His homeland was—again significantly enough—a meeting-place, if not a melting pot, of several religious streams, orthodox and unorthodox Judaism, Islam, Shiism in its numerous varieties, Nestorian Christianity, Buddhism, Manichaeism, as well as, of course, Persian politico-economic separatism. His principal work was a set of questions in criticism of the Bible and in support of his contention that the biblical text is in many instances at variance with the dictates of justice, mercy, and common sense. His work, or works, is no longer extant, and its contents have to be reconstructed from indirect quotations by his later Rabbanite and Karaite critics, principally from the tract written against him by the Gaon Sa'adiah (882-942), of which again only fragments have so far been discovered, and whose versified form and abstruse style make it far from easy to understand; nor is it always possible to determine whether a quotation is taken from Ḥayyawayh himself, or from some other representative of the anti-biblical group.

It is evident therefore that the author undertook no easy task when he set out to write his monograph on Ḥayyawayh. In the first chapter he summarizes the known personal data, and gives a classified list of the anti-biblical questions attributed with more or less certainty to Ḥayyawayh's pen, together with extensive notes on the problems raised by them. In the remaining three chapters Rosenthal has collected, with diligent industry and imposing command of a vast literature, the parallel data on hostile biblical criticism by Zoroastrians and by Muslim and Christian heretics. The roster of names is highly interesting: Martan Faruk, one of the last defenders of Zoroastrianism against Islam; the

outwardly Muslim *zindīqs*, including the Rawandiyya sect; Marcion, and the heretics refuted by Theodoretus, Anastasius Sinaita, and Photius; and last, but not least, the anonymous Jewish tracts on Bible difficulties hailing from the Cairo Geniza.

With commendable caution, Dr. Rosenthal presents his documentary material without drawing final hard-and-fast conclusions as to the actual relationship between Ḥayyawayh and his Zoroastrian, Muslim, and Christian counterparts. The available data are too scant, and our knowledge of the turbulent and complicated historical background too foggy. Perhaps future discoveries of new authentic documents will throw more light on this highly intriguing figure in Jewish nonconformism.

In a subject of such obscurity and difficulty it is inevitable that some of the author's views should meet with disagreement. Thus, for example, his derivation of Ḥayyawayh's name from the Arabic *hawā*, "to collect," with reference to the Hebrew name Assaf and to the Aramaic-Syriac-Arabic word for "snake < heretic," is too far-fetched to be credible. All names ending in *wayh* are of well authenticated Persian origin, e.g., Sībawayh, Māsawayh, etc., and include an eminent Karaite leader, Mīshawayh (usually misspelled Meshwī) al-'Ukbarī. If the name is a persianization of a Hebrew name, the latter would more likely have been something like Ḥiyya or Ḥayyim, or perhaps the Arabic Yahyā. Similarly, the fact that Ḥayyawayh is said to have subscribed to the doctrine of the triune Deity does not, it seems to me, prove that he became a Christian; several non-Rabbanite schismatics recognized the prophetic mission of Jesus and Muhammad without becoming thereby Christians or Muslims, within the common meaning of these terms. But these are mere minutiae.

It is not often that a work on a subject as recondite as a half-forgotten Jewish heretic of a thousand years ago proves to be both instructive and absorbingly interesting. Let us hope that Dr. Rosenthal will continue his researches in this virgin field, with the same thoroughness and success.

Yale University LEON NEMOY

JEWISH EDUCATION IN POLAND

JEWISH SCHOOLS IN POLAND, 1919-1939: THEIR PHILOSOPHY AND DEVELOPMENT. By *Miriam Eisenstein.* Kings Crown Press. New York, 1950. Pp. XII + 112.

THE destruction of the Polish Jewish community, tragically dramatized in the massacre of the Warsaw Ghetto in 1943, has left a void in world Jewry that has yet to be filled. This tragedy was not only a loss in terms of people, but also in terms of the throbbing, vibrant

life the people led, as reflected in their culture and sociological attitudes.

No small part of this culture was the unique school system that was developed by this community as a result of the political conditions that followed World War I. Although the Little Treaty of Versailles (signed on June 28, 1919) guaranteed the enjoyment of complete *de jure* and *de facto* rights for all minorities, rights that were to be realized in those articles of the Constitution that provided for government support of schools "in which a considerable proportion of Polish nationals of other than Polish speech are residents" in the languages of the respective national groups, the Jewish schools were gradually affected adversely by the withdrawal of state funds, and a separate school system had to be developed.

These Jewish schools, supported primarily by the Jewish community, reflected the varying political ideologies of Polish Jewry, and, in that respect, served to continue the dynamic character of that community. What the author calls "the two main political forces in Jewish life," the Bund and the Zionist movement, each had its own system, through which it strove to inculcate the ideology of its choice. The Cysho schools (Central Yiddish School Organization), sponsored by the Bund, prepared its students for life in a socialist society. These schools were of a definitely secularist character, aimed at developing a generation that would participate in the class-struggle as proletarians. They were anti-Zionist, on the ground that the Zionists advocated a retreat from the class-struggle in their respective countries, and were building another capitalist state in any case. Yiddish was the language to be taught, and, with men like Peretz as their guide, they devoted their efforts to promoting Yiddish culture through translations and original material.

The Tarbut (culture) schools of the Zionist movement emphasized Hebrew as the ideal language, and believed that "all our problems can be solved only with reference to Palestine." Jewish education in Poland was to be geared to the national revival in Palestine, and the Jewish National Fund served to illustrate the tie. There were courses in European literature in the Tarbut schools as well as in the Cysho system.

The bi-lingual schools (Polish-Hebrew and Yiddish-Hebrew) grew up with another sociological approach. The Polish-Hebrew schools reflected the element in Polish Jewry that wanted to embrace Polish culture, but found state schools closed to Jews. The Yiddish-Hebrew schools grew up as a result of the conflict within the Cysho schools between the Right Poale-Zionists and the extreme Yiddishists, in which the former wanted "some" Hebrew in addition to Yiddish.

The fourth, and last, category of Jewish schools, the ultra-orthodox and orthodox schools, were based, as their names imply, on the premise of Revelation, and the function of the school was to transmit knowledge of the Revelation. Tradition was their basis, in contradistinction to the

Cysho and Tarbut schools, in which tradition existed solely for the purpose of revaluation and, if necessary, repudiation, if not consonant with either Zionist or Socialist ideologies.

All of these facts, the author brings out in excellent fashion in this small compact book. In reality, the book is a must for any student of modern Jewish life, clarifying as it does the nature and character of the great community of Poland in terms of education. It is warmly recommended to all students, and educators can glean valuable knowledge of curricula through its reading.

Kansas City, Mo. IRVING LEVITAS

NECROLOGUE

JOSHUA STARR

1907-1949

THE tragic death on December 6, 1949, of Dr. Joshua Starr, historian and editor, is a grievous loss to the younger generation of American Jewish scholars. Born and schooled in New York, he was early lured to the fields of Jewish history and classical scholarship. He pursued his studies in Chicago, at the Teachers Institute of the Jewish Theological Seminary, attended various courses in the Rabbinical Department of the Seminary, and worked under Professor Salo W. Baron at Columbia University. In 1933-5, as Mies Scholar of the American School of Oriental Research in Jerusalem, then under the direction of Professor W. F. Albright, he was able to make contacts with the scholars of the Hebrew University, and to visit Greece. The following year he held the Miller Fellowship at Columbia University where he was granted the Ph.D. degree for his study, *The Jews in the Byzantine Empire*, 641-1204. It was published in Athens in 1939 (viii and 266 pp. as No. 30 in the series, *Texte und Forschungen zur byzantinisch-neugriechischen Philologie*, edited by Nikos A. Bees). The second part of this work appeared in Paris in 1949 under the title, *Romania:The Jewries of the Levant after the Fourth Crusade* (123 pp). A number of preparatory, partial or complementary studies appeared in periodicals before and after the first volume saw light. At first Starr was attracted by subjects pertaining to early Christianity, but soon his attention centered on Byzantine Palestine and the "outlying regions" of the gaonic period, and later on the Balkans.

For many years Starr did responsible editorial work for the *Jewish Social Studies* and the publications of the Conference on Jewish Relations in general. During the war, he worked in the office of Strategic Services on Balkan affairs; and recently he spent many months in Europe for the Cultural Reconstruction Foundation, specifically to help salvage the book treasures which were robbed by the Nazis from European Jewry.

Starr also published studies on the recent and contemporary history of the Jews in Italy, Rumania, and Greece. His articles and a great number of book reviews are found in a score of publications in this country and abroad. A bibliography of his writings appeared recently.[1]

New School for Social Research MOSHE PERLMAN

[1] Solomon F. Bloom, "Bibliography of the Writings of Joshua Starr," *Jewish Social Studies*, XII (1950), pp. 9-12; see also Abraham G. Duker, "Joshua Starr," *ibidem*, pp. 4-9.

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Historia Judaica

JEWISH LEGENDS ABOUT SIMON-PETER

By Julius H. Greenstone
Philadelphia, Pa.

Introductory Remarks *

ON January 30, 1949, Pope Pius XII declared before a group of students that the burial place of the Apostle Peter "is and was under the cupola of St. Peter's Church." Later in the same year the report was broadcast that the bones of St. Peter were found less than twenty feet below the pavement of St. Peter's Basilica in Rome. The *New York Times* of August 22, 1949, gave this report a prominent position on the front page and provided the article with illuminating maps and drawings. Another report of a personal visit to the reputed tomb by Camille M. Cianfarra, the Rome correspondent of that paper, followed on April 9, 1950. An elaborate pictorial description of the search for St. Peter's tomb appeared in the magazine, *Life,* of March 27, 1950. The matter had long been under investigation by Vatican archeologists, who came to a definite conclusion that confirmed the Christian tradition regarding the first Bishop of Rome. It was further reported that the Pope himself had visited the location and was convinced of the truth of the results reached by the archeologists; and that

* The writer wishes to express his appreciation to Professor Louis Ginzberg for several suggestions on the interpretation of certain phrases in the versions, most of which are incorporated in the following notes. He also conveys his thanks to Dr. Solomon Grayzel for his interest in this paper and for his many helpful suggestions.

the matter would be referred to a neutral committee of archeologists, to be appointed by the Catholic authorities. The hope was expressed that a formal announcement of the discovery would be made by the Pontiff in connection with the celebration of the Holy Year in 1950. The inauguration of the Holy Year by the Pope in December of 1949 did not bring forth the announcement, but the hope was still entertained that it would be forthcoming in the course of the year.

This sensational report called to mind the Christian tradition regarding Peter's sojourn and martyrdom in Rome as well as some Jewish legends that were current in the Middle Ages, of which several versions are extant, all of them forming a sort of appendix to the spurious medieval versions of the work dealing with the birth and life of Jesus.[1] Although there is an evident effort to make the appendix appear as a continuation of the story about Jesus, it is generally believed that the appendix is independent of the original and that it is of later origin. This is indicated both by the diction and the general trend of the narrative. In the texts an effort

[1] Adolf Jellinek had before him four recensions of this legend, which he reproduced in whole or in part in his *Beth ha-Midrasch*, V (Vienna, 1873), pp. 62-64, and pp. xxvi-xxviii of the German Introduction; VI (Vienna, 1878), pp. 9-14; 155-156 and pp. ix-xiii of the Introduction, all of these under the title of אגדתא דשמעון כיפא ("Petrus Legende"). The oldest edition and possibly also the oldest version extant is that of Wagenseil in his *Tela Ignea Satanae* (Altdorf, 1681). Another version was published by John Jacob Huldrich (Leyden, 1705). An anonymous edition, under the title of *Tam Umuad* appeared probably in Breslau, 1871. See Moritz Steinschneider, *Hebräische Bibliographie*, XII (1850), p. 50, who characterizes this as a "modern" version of the older *Maase Talui* which the Jews held to be the work of "an enemy of the Jews" and long ago repudiated; cf. also Ersch and Gruber, *Encyklopaedie der Wissenschaften und Künste*, Vol. 27 (Leipzig, 1850), p. 409. Other Hebrew and Yiddish versions of *Maase Talui* with this appendix have appeared in more recent years, and the more prominent libraries in Europe and America have preserved manuscript versions of the story. The late Professor Samuel Krauss collated many of these versions in his *Das Leben Jesu nach jüdischen Quellen* (Berlin, 1902); he provided German translations and copious notes dealing with various phases of the problems presented in these recensions and supported his conclusions with proofs from ancient and contemporary Christian sources. Cf. Louis Ginzberg, *Ginze Schechter*, I (New York, 1928), pp. 324-338, and the controversy between Krauss and B. Heller in *MGWJ.*, LXXVII (1933), pp. 44 ff., 198 ff.

is apparently made to belittle the founder of Christianity and his deeds, while in the appendix the stress is laid on the desire to create a cleavage between the Jewish and Christian communities and at the same time to plead for greater tolerance toward the Jews on the part of the powerful Christian leaders.[2]

The main features of the story in this appendix turn on the legend that Simon-Peter, a respected sage of Jerusalem and one of the heads of the Sanhedrin, was induced by his contemporaries to assume the leadership of the new Christian sect in order to draw its members away from the main body of Israel, whereby the purity and safety of the Jewish religion and people would be maintained. To effect this end, Peter consented to adopt the religion of the Christians and their customs. He was assured by the Jewish leaders that the sin involved in such dissimulation would be assumed by them. He learned the combinations of the Ineffable Name of God and secreted them under his skin, even as Jesus before him was supposed to have done, whereby he obtained the power to perform miracles. He revealed himself to the Christians as an apostle of Jesus and succeeded in obtaining their full confidence by the miracles he performed in their presence, similar to those which Jesus had performed, such as the healing of a leper and the resurrection of a dead person.

He later also won the devotion of the Christian community of Rome. In response to their urging, he consented to make his home in Rome on condition that they build for him a tower where he could dwell undisturbed by worldly affairs and where he could be in constant communion with Jesus.[3] Once a year he would meet his Christian followers

[2] See Beth ha-Midrasch, VI, German Introduction, pp. x-xi.

[3] In one version, this is described as בנין יפה, but in Jellinek (V. p. 62) and in M. Güdemann, *Geschichte des Erziehungswesens und der Cultur der abendländischen Juden*, II, (Vienna, 1884), p. 300, as בנין מכוער, which Krauss takes as a conscious corruption. In the Güdemann manuscript this phrase is found ועדיין הוא ברומי אותו שקראו הנוצרים סאן פייטרו שהוא בלשון לעז עבואש (?) מגדול The word עבואש is queried by Güdemann, probably because he could not determine its meaning. Krauss suggests that it is a corruption of the Yiddish

outside his room in the tower and proclaim to them what he had been taught by his master. During his stay in the tower, he would accept no gifts from his adherents, and his fare consisted of bread and water only, which were supplied to him in a basket lowered down. In his speeches to the multitude on the occasions of his appearance he would urge them to remain faithful to the religion of Jesus and at the same time he laid down for them regulations for a more humane treatment of the Jews who lived among them. However, while he showed himself a faithful follower of the new faith, he spent his days in the study of the Torah of Moses and in strict adherence to all its precepts. During the same time he also composed many *piyyutim* which were later included in the Jewish liturgy. He lived this double life in the tower for six years and he died and was buried there. Later on a shrine was erected on the site of his burial place which was named Peter, for the stone on which he sat and meditated.[4]

The Historic Background

The anxiety of the leaders of the Jewish community to have the new Christian sect removed from the Jewish fold manifested itself early after the destruction of the Jewish state by the Romans. In their desperate struggle to maintain the remnants of the people in their faith and traditions, the leaders in Jamnia, the new center of Jewish life, keenly realized the dangers facing them from the vari-

epes (German: *etwas*), "some sort of tower," which gives no satisfactory explanation, aside of the peculiarity that a Yiddish word was used in a version obviously of Italian origin. Ginzberg suggests that the word should be read עברעאש, and the meaning then would be that the Christians called it St. Peter, while the Jews עברעאש, (the ebreoi) called it simply *migdol*, a tower.

[4] Jellinek's version (VI, p. 10) has here the following sentence וזה היה הפאפא הא' שהיה בעולם שהיונים קראוהו קלויאירו. Krauss (p. 117) transliterates the word קלויאירו into Kaliereus and in a note he suggests that perhaps it should be read Greek: *kleros*. Ginzberg, however, prefers to take the word as representing the Latin *clavigero*, "keeper of the keys" of Heaven, as indicated in Matthew 16:19: "And I will give unto thee the keys of the kingdom of heaven: and whatsoever thou shalt bind on earth shall be bound in heaven; and whatsoever thou shalt loose on earth shall be loosed in heaven." The words "bind" and "loose" probably refer to ritual laws, as these words, *asur*, *muttar*, are usually employed in rabbinic literature. In harmony with this suggestion, Ginzberg is forced to change the word שהיונים into שהנוצרים.

ous Christian groups scattered throughout the rural districts of the land. The bitterness evidenced toward them, especially during the rebellion against Rome, in which the new Christians refused to participate, later became greatly intensified. There were many reasons for this. Chief among them were undoubtedly the efforts of Paul and his associates to break down the Law and the zeal manifested by the various factions within the Christian community in their efforts to gain proselytes to the new faith from among the Jews. The Jewish leaders endeavored in various ways to stem the tendency and to create definite lines of demarkation between themselves and their opponents. Some, fired by zeal for their heritage, went to extremes in this effort, although we find no definite statutes on this matter issued by the Sanhedrin of Jamnia. Rabbi Tarphon swore that he would not hesitate to set fire to any of the books produced by the sectaries even when they contained the holy name of God, "for paganism is less dangerous than the teachings of the Jewish Christians, because the former does not recognize the truth from want of knowledge while the others, on the contrary, deny what they fully know."[5] The Jewish Christian sects were placed on a level inferior to the Samaritans and in some respects even below the heathens. Jews were forbidden to enter into business relations with them or to partake of their bread, meat or wine; they were not allowed to have a Jewish Christian minister to them in illness by pronouncing a magical formula in the name of Jesus; their books were placed on a par with works on magic and a special curse against them was introduced in the *Shemoneh Esreh* by the order of the patriarch, R. Gamaliel.[6] In summing up the conditions prevalent at that early period, Graetz says: "To the Tannaites of this period must be given credit that like the prophets of old, they protected Judaism from the falsehoods and errors which threatened to over-

[5] Shab. 116a; Graetz, *Geschichte der Juden,* IV, p. 104; English ed., II, p. 378.

[6] Ab. Zarah, 17a, 27b; Tos. Hulin, II 20-24; Graetz, *ibid.*. p. 105 and note 11; English ed., II, p. 379.

whelm it. Following the natural instinct of self-preservation, they, on the one hand, shut out the Jewish-Christians from the Jewish community and, on the other hand, strengthened Judaism and armed it with a strong power which upheld it in the storms which through centuries threatened it with destruction."[7]

This bitter animosity was naturally reciprocated by the Christian sects in Palestine and transferred by them to other parts of the world where they struck root. The conflict between Peter and Paul on the questions of the admission of proselytes without the ceremony of circumcision and of the obligation to observe the dietary laws, which began in Jerusalem and reached its climax in Caeserea, probably continued in Rome also, although by that time Peter's conservatism was considerably modified and their respective functions more or less established, Paul serving as the apostle to the Gentiles and Peter as the apostle to the Jews. The Jewish community in Rome, which was then quite considerable both in numbers and in influence, may have regarded Peter as one of its own, forgetting his avowed loyalty to Jesus, or rather interpreting it in this fanciful manner.[8] It is not unlikely that, in a later generation, the imagination of some people working on the reminiscences of the early tradition, evolved the theory that Peter came to Rome at the behest of the Jewish leaders in Jerusalem with a view to strengthening the schism between the Jews and the Christians while simulating a belief in the Christian religion and thereby aiding in the establishment of greater

[7] Graetz, *ibid.*, p. 108; English, ed., II, p. 382.

[8] It would be hazardous to assume that the story of Peter's denial of Jesus, given at length in all the three Synoptic Gospels (Matt. 26:69-75; Mark 14:66-72; and Luke 22:34, 54-62) and mentioned also in John (18:25-27), was known to the Jews and interpreted by them as indicating Peter's doubtful loyalty to the Christian faith. It is clear, however, that among the early Christians this "denial," made to save his own life, was regarded with disfavor, although his sincere repentance is faithfully recorded. It is not unlikely that an echo of this story also reached the Jewish community perhaps through the Paulinian opponents of Peter and gave support to the legend current among them of Peter's role as a Jewish impostor.

tolerance toward the Jews on the part of the Christian community. In two of the versions of our legend, the author approximates the date of Peter's arrival in Rome as about thirty years after the crucifixion of Jesus, although the Christian tradition has an earlier date, the year 41. The Christian tradition further has it that Peter was martyred in Rome about 64 or 67, during the persecution of the Christians by Nero. It is also conjectured that both Peter and Paul were crucified on the same day (June 29).

This tradition, both as to its entirety and as to the dates, has little support in authentic data. Some doubt whether Peter ever visited Rome, while others make his ministrations there extend for a much briefer period, some limiting the time only to two years. There is no reference in any of the versions of our legend to the traditional Christian belief that Peter suffered martyrdom in Rome. In all of them it is related that he lived in the tower which the Roman Christians built for him and that he died a natural death and was buried in the same tower.

Confusion in Identity of Legend Hero

The most curious feature in this legend is the confusion in the personality of its hero. Both Peter and Paul are variously given as the dominant character in the story. The name of Elijah intrudes itself in some versions, but this Elijah is undoubtedly another name for Paul. In one place, when asked by the people for his name (Elijah), he gave it as Paul. This Elijah-Paul appears to take over the role played by Peter, while in another place he appears as the antagonist of Peter, as we shall see presently. This confusion between Peter and Paul is still further confounded by the name of one Johanan who is presented as an adherent of the Christian sect, but is persuaded by the Jewish leaders to return to his old faith.[9] He finally accedes to the urgings of the

[9] Ms. Leyden, Krauss, *op. cit.*, p. 178, and *MGWJ.*, LXXVII, p. 47.

Jews and undertakes the task of bringing about the complete separation of the Christians from the Jews. It seems that in the Jewish mind Peter, because of his reputation as a staunch supporter of the maintenance of Jewish observances, should be looked upon as the champion of the Jewish cause, and that Paul, because of his defection from Jewish ritual, should be regarded as the person most likely to effect the cleavage between the Jews and the Christians. Heller quotes from an Arabic work by Ibn Hasam (d.1064), a contemporary of Samuel ha-Nagid, which mentions a tradition that "the Jews bribed the Benjaminite, Paul, to have him mislead the followers of Jesus by teaching them that Jesus was a god."[10] However, the preference for Peter as the savior of Israel is predominant in these versions. As the first bishop of Rome, according to the Christian tradition, which was probably also known to the Jews, Peter appealed to the mind of the fanciful inventor of the story as the most likely figure; but later elaborators, acquainted also with the traditions about Paul's stay in Rome, substituted his name for that of Peter.

In one of the versions it is related that after the death of Peter a wise man named Elijah came to Rome, declaring himself the true apostle of Jesus and accusing Peter of misrepresenting the teachings of Jesus. He was asked to produce proof of his claim, but when he was about to present his proofs and establish his identity and his mission, a heavy stone from Peter's grave fell upon him and crushed him to death. Some see in this a confusion of the character of this Elijah with Simon Magus, a bitter opponent of Peter, about whom some other legends are included in the same text.[11]

Variations in Mode of Procedure

There are certain differences in the versions of our legend regarding the manner in which Peter made his way

[10] *MGWJ.*, LXXVII, p. 201; cf. Kobak's *Jeschurun*, VII (1875), p. 99, and Hebrew text pp. 87-88.

[11] Jellinek, V, p. xxvii, note; Krauss, *op. cit.*, pp. 177-179.

to Rome. In some, the undertaking was assumed at the insistence of the Jewish leaders in Jerusalem who prevailed upon him to make the journey and present himself as the apostle of Jesus, so that by his authority he would be able to effect the cleavage and aid the Jews in their predicament brought about by the increase in the power and the influence of the Christians. In another version, Peter is forced to assume leadership by the Christians in Jerusalem who, knowing of his great wisdom and piety, thought that he should belong to them and through his influence perhaps attract the Jews to the new faith. At the point of a sword, they forced him to accept their religion and assume leadership over them.[12] When he asked for a respite of a few days to think the matter over, they granted this to him. It was during this period of deliberation that the Jewish leaders induced him to accept the proposition made by the Christians and to act as though he were converted, but in reality to use his office to safeguard Jewish interests and effect a definite separation between the Jews and the Christians, taking the blame for such dissimulation upon themselves.

Peter's Regulations for the Christian Community

During his stay in Rome, Peter led an exemplary Christian life, often admonishing his followers to remain true to "the new Torah and the new worship laid down for them by John and Abba Saul (Paul)." He further warned them to keep away from the congregation of Israel, not to enter their synagogues or houses of study and not to hinder the Jews in their worship. They were enjoined against forcing

[12] In Jellinek's version (VI, p. 9). In these negotiations with the Christians, Peter is said to have turned to the Pope and the bishop, הפאפא והושקאבו (*Papa* and *vescovo;* Italian for bishop), with the question as to what they wanted him to do. Another word של"א is added, which is rather strange. Krauss' (*op. cit.*, p. 87, note) suggestion that it stands for the name of the bishop (Giulio) cannot be accepted, nor would any other proper name fit in the context, since a little further on in the text the same word refers to the "Pope" and it is hardly likely that both the Pope and the bishop should have had the same name. Ginzberg suggests that the letters של"א are an abbreviation of a phrase containing a curse, such as שמו or שמם לאבדון (cf. Ps. 41:6) or שמו or שמם לאלה (cf. Num. 5:27). This seems plausible.

any Jew to accept their religion,[13] and even those who expressed a desire to join with them should be put on a thirty-day probation period in residence with "good people."[14] A child of less than nine years of age should not be accepted.[15] He also directed them in the name of Jesus to abstain from observing the Jewish Sabbath and festivals. Instead of the festival of Mazzot, they were to observe the day of Jesus' death; instead of the festival of Weeks, the day of his ascension to heaven, forty days after his crucifixion; and instead of Sukkot, the day of his birth, and eight days later, the day of his circumcision.

A more detailed prescription of the law for the Christians is, in one version, put in the mouth of Elijah (Paul) rather than in the mouth of Peter. "Jesus said: 'He who wants to be with me in the world to come, should keep away from the Jews and not join with them, for my Father in

[13] Jellinek, VI, p. 10, has the word ובאסטומא, which Krauss (*op. cit.*, p. 87) explains as "baptism," reading ובאטוסמא, the Italian *batessimo;* but this is not acceptable since we would rather expect here a synonym for אונס. Ginzberg suggests the reading ובאסטוציא *astucia* (tricks). The Jews should not be forced to accept Christianity nor should they be tricked into it. This gives a much better sense to the passage.

[14] Cf. Deut. 21:13, the case of the woman taken captive in war. According to R. Akiba, the words "father and mother" there refer rather to her former idolatrous religion than to her natural parents (*Sifre* to Deut., No. 213; Yeb. 48b). Some would extend the period to ninety days because of the peculiar expression ירח ימים and also in order to eliminate the possibility of a previous pregnancy (*Sifre, ibid.*, and *Meir Ayin, ad loc.; cf. Yalkut,* Debarim, 925; and Nachmanides Com. to Deut. 21:13.). A period of thirty days was regarded as the regular season of mourning (Deut. 34:8) and is still Jewish practice.

[15] Nine years as the age of puberty is not known in rabbinic law, except in connection with the duty of fasting on the Day of Atonement, when a child of nine is expected to be trained to fast part of the day, if his health is normal; at eleven he should be made to fast the entire day (Yoma, 82a). The nine-year-old boy is regarded as being of marriageable age, but unable to negotiate a contract of marriage (Kid. 50b; Maimonides, *Yad,* Ishut IV. 7) or write a *Ketubah,* but he might acquire a *Yebamah* (a childless, widowed sister-in-law) through intercourse (Niddah 45a; Maim., *ibid.* Yibum, I, 19; V. 18-19; Eben ha-Ezer, 167. 1). In case of incestuous relations, the woman is liable to the legal penalty, while the boy cannot be held responsible. Feldman, *The Jewish Child* (London, 1917), p. 364; *Jewish Encyclopedia, s. v.* Majority, II. Medieval church law provided that children may be baptized at the age of seven without the consent of their parents. In 1421, Pope Martin V raised the age to twelve, when baptism became valid even though imposed by force; Solomon Grayzel, *The Church and the Jews in the XIIIth Century* (Philadelphia, 1933), p. 14, note 12.

heaven rejected them and does not desire their worship, for He thus said by Isaiah (1:14), 'Your new moons and your appointed seasons My soul hateth, etc.' Jesus further said: 'Whoever wishes to remain in my company should violate the Sabbath, which God hates, but should observe instead the first day when God brought light into the world. In place of Passover which the Israelites observe, you should celebrate the day of the resurrection, for on that day he rose from his grave. Instead of the Feast of Weeks, you should observe Pentecost, for that was the day when he ascended to heaven. Instead of Rosh Hashanah, you should celebrate the day of the finding of the cross. Instead of the Great Fast, the day of his circumcision. Instead of Hanukkah, the Calendae (New Year). The foreskin is of no consequence. He who wants to undergo circumcision may do so, and one who is averse to have it performed on him may remain uncircumcised. All that He created in this world, from the tiny gnat to the big elephant, you may pour out its blood to the ground and eat it, for thus it is written: 'As the green herb have I given to you all (Gen. 9:3).' "

In yet another version there is also included the prohibition against intermarriage with Jews: "Any one who cohabits with a Jewish woman will surely be consigned to Gehenna."

Modern Views on the Legend

In calling attention to this legend, Zunz characterizes it as "an amazing confusion."[16] To indicate how widespread the belief in its contents was among medieval Jews, he quotes from Rashi's commentary to *Abodah Zarah,* 10a, where it is said: "The Roman Christians received their language and their writings from others. Their books were written for them by others, namely, John, Paul and Peter, who were Jews. They also handed to them [the Christians] the clerical Latin in order to make it difficult for the un-

[16] L. Zunz, *Literaturgeschichte der synagogalen Poesie* (Berlin, 1865), pp. 5-6.

initiated to understand and thus keep them aloof from Israel. Not because they denied the Torah, but they did this for the benefit of the Jews who were persecuted by the followers of Jesus. They pretended to be in accord with the teachings of Jesus and established the precepts of Christianity, as is fully described in the story about the crucifixion of Jesus."[17]

Zunz also refers to the Hebrew "Life of Jesus" and adds: "It is possible that legends of this nature were connected with religious persecutions, when the attempt was made to mitigate the fury of the fighting monks." Samuel D. Luzzatto, quoting from a manuscript commentary on the *Machzor* in the name of Rabbenu Tam, the grandson of Rashi, says that Peter was really not a believer in Jesus, but wanted to silence the persecutors by associating with them as their leader.[18] He adds that this bizarre legend originated during times of persecution, with the intention of strengthening the faith of the people. When they heard that the head of the apostles composed *piyyutim* in praise of the faith of Israel, their hopes were aroused that in establishing the new religion, Peter meant it for their benefit and welfare.

Along the same line of reasoning, Jellinek assumes that the Peter legend was intended to present to the popes, the successors of Peter, an example of tolerance which they should follow in their dealings with the Jews.[19] Güdemann, however, pursues a somewhat different line of reasoning in his endeavor to find an explanation for the creation of this legend.[20] He argues that in the early centuries of the Christian era, Jewish and Christian practices were often similar. The popes and the bishops made strenuous efforts to wean the people away from Jewish practices, showing that such practices were not uncommon. "As there were many Christians

[17] This is not found in the regular editions of the Talmud with Rashi's commentary, but appears in the commentary of Rashi on the *En Jacob* (first ed., Salonica, 1516), p. 345, from where it is quoted in *Dikduke Soferim* to Ab. Zarah, p. 12, note 9.

[18] In מבוא למחזור מנהג בני רומא (Livorno, 1856); Eisenstein, *Otzar Hamidrashim* (New York, 1915), p. 567, reproduces the whole section.

[19] *Beth ha-Midrasch*, VI, pp. x-xi, German Introduction.

[20] *Op. cit.*, pp. 44-52.

who were half-Jews, so there were many Jews who were half-Christians." From both Jewish and Christian sources he establishes that neither the Jews nor the Christians were as yet fully conscious of the irreconcilable differences between them. This was especially true in Italy, where the legend probably had its origin. "Under such circumstances, the confusing legend presents no difficulty, since in such a hybrid society mongrel literary productions are most likely to arise. . . . As long as the relationship between the Jewish and Christian communities continued to be friendly, both holding similar views and following similar practices, they also held the same legends in common. . . . But as the cleavage between the two groups set in, each utilized the older legends common to both for its own peculiar purposes. The agadic Peter legend is the Jewish counterpart of the Christian story about Peter being the first bishop of Rome. This appears to be the explanation of this strange story that originated in the first centuries of the Christian era. In the form in which the Jewish legend came down to us, we see the reflection of later times, Peter himself forcing the complete separation between Jews and Christians, even as the popes endeavored to do in later ages. . . . Neither the compiler of the legend nor the medieval Jewish scholars who gave credence to its contents had any real knowledge of the circumstances described in it which regard Peter as part of the Jewish community."

The difficulty in determining the exact purpose of the invention of this legend and the circumstances under which it came into existence also precludes the possibility of setting a definite date for its emergence. Jewish persecutions were rampant at all times during the Middle Ages, and even the desire to form a definite cleavage between Jews and Christians characterized both groups during most of the period extending to the twelfth and thirteenth centuries. There is hardly any doubt that the legend in its oral form arose at a time when the details of the rise of Christianity were no longer vivid in the memory of the Jews. The midrashic

trend of the stories clustering around the person of the founder of Christianity and his closest associates, as found in rabbinic literature, is also found in this legend. The very name of the apostle is variously derived in the different versions. The meaning of "rock" as given in Matthew 16:18[21] is in one place derived from the Hebrew root meaning "beginning,"[22] since he was the first bishop, and in another from an Aramaic root meaning "to free,"[23] since he freed his followers from the laws of the Torah.

Peter as a Composer of Piyyutim

The ascription of the authorship of some *piyyutim* to Peter in all the versions of our legend probably rests on a confusion of Simon Keifa with one Simon ben Kaifa, a payyetan of the early Middle Ages.[24] Herz Treves in his cabbalistic commentary to the prayer book relates that Simon ben Kaifa was the author of the famous poem *Nishmat*. The same tradition is also found in an old manuscript copy of a commentary on the liturgy according to the Troyes rite. References to *Nishmat* are already found in the Talmud (Pes. 118a), where it is designated as *Birchat ha-Shir* to be chanted at the Passover Seder service. This custom is maintained in most rites to the present day. In his description of a manuscript copy of *Machzor Vitry* then in the possession of Joseph Almanzi, Luzzatto points to a lengthy responsum by Rabbenu Tam in praise of the *piyyutim* in the course of which Simon Keifa is mentioned as the author of the *Yom*

[21] "Thou art Peter and upon this rock I will build my church." The same is repeated in John 1:42: "Thou art Simon, the son of Jonah; thou shalt be called Cephas, which is by interpretation a stone." The names Cephas (Aramaic) and Peter (Greek), both meaning "stone," are thus applied to Peter by Jesus himself. In a Midrash, Abraham is identified with the rock on which God established the world הרי מצאתי פיטרא לבנות עליה וליסד את העולם; *Yalk.* Bemidbar, 766; cf. Schechter, *Jewish Quarterly Review*, XII, p. 428; Krauss, *op. cit.*, p. 270.

[22] פטר רחם, also a play on words פטר חמור; see Krauss, *op. cit.*, p. 297.

[23] פטר to free, used extensively in rabbinic literature in this sense.

[24] Graètz, *MGWJ.*, IX (1860), p. 21 ff.

Kippur piyyut, "Eten Tehillah,"[25] introductory to the *Avodah* service beginning with the words "Attah Konanta."[26]

One version of our legend relates that Peter composed many hymns (פזמונים) for Israel and that these are still in existence and bear his name. He wrote to the Jewish communities: "Know ye, O House of Israel, who believe in God and in His perfect Torah, which is the true Torah, and who are designated as His possession, that I Simon Keifa, who suffered all these evil experiences because of my love for Him, for I know what is true and what is false. Accept these *piyyutim* which I have composed, so that He may forgive both me and you, for all that I have done, I did for your benefit and your salvation."[27] They received the manuscript with great joy and sent it to the exilarch and showed the *piyyutim* to the heads of the academies and to the Sanhedrin. All of them agreed that they were worthy and in good taste and that it was proper for the *hazzanim* to include them in their public prayers. To this day, they are accustomed to say them on every Sabbath (referring to *Nishmat*).

In the Wagenseil version, the description of this incident is given more elaborately. Simon Keifa composed קרובות ויוצרות וזולתות על שמו (the last phrase על שמו probably indicating acrostics with his name, perhaps Simeon), even as Eliezer ben Kalir had done. He sent for and gathered the elders of Israel and handed to them all the compositions he had produced out of his own mind, and ordered them to teach these poems to the *hazzanim* who should include them in their prayers and thereby have his name remembered for ever. The elders also sent them to Babylon, to Rabbi Nathan, the Exilarch; he showed them to the heads of the academies and to the Sanhedrin, who declared them worthy

[25] Luzzatto, *ibidem,* p. 7 quotes (San Pierre) שמעון כיפא שקורין ק' פיירא עשה השבח הזה לאחר שתיקן להם אמונת הנוצרים.

[26] See also *Kerem Chemed,* III (Prague, 1838), p. 202; Zunz, *ibid.;* Davidson, *Ozar ha-Shirah veha-Piyyut,* I, p. 406b.

[27] In a manuscript quoted by Güdemann (*op. cit.,* p. 300) the reading is וכל הפיוטים שעשה שלח לר' נתן מצלמות (?), which Krauss (p. 297) interprets as a slighting appellative for Rome.

and taught them to the *hazzanim* throughout the communities of Israel. Whenever his name was mentioned it was accompanied by the prayer that he inherit eternal life. May God in His mercy accept him as a good advocate.[28]

[28] Jellinek has here: ". . . and they established it as a statute in Israel to pray throughout the diaspora according to these *piyyutim* and may their recital protect and stand in good stead for their author, peace be upon him." In another version, Simon himself is said to have sent them among all the communities of Israel. Krauss (p. 227) quotes from another source that he sent these *piyyutim* by his son, Rabbi Eliezer.

ANTI-JEWISH RIOTS IN GERMANY IN 1819: A DISPLACEMENT OF SOCIAL PROTEST

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INTRODUCTORY REMARKS *

TOO often we lose the true significance of outbursts, such as the recent Munich, Mosley, and Peekskill riots, because we view them lightly, as though they were simply isolated incidents, not requiring penetrating analysis. We fail to place these manifestations of violence into the pattern of previous historical occurrences and thereby overlook the dangers which they represent.

There is a painful history of similar demonstrations in Germany: outbreaks during the Peasant Wars of the sixteenth century; the Fettmilch uprising in Frankfurt in 1612; the rowdyism of the Alsatian peasants against their Jewish creditors, during the days of the French Revolution; the "Hep-Hep" riots of 1819; the anti-Jewish disturbances of

* The following works are cited by name of author only: Salo Baron, *Die Juden auf dem Wiener Kongress* (Vienna, 1920); Egon Corti, *The Rise of the House of Rothschild,* I (New York, 1928); Simon Dubnow, *Die neueste Geschichte des jüdischen Volkes* (Berlin, 1930); Volkmar Eichstädt, *Bibliographie zur Geschichte der Judenfrage,* I (Hamburg, 1938); Heinrich Graetz, *History of the Jews,* V (Philadelphia, 1895); Ludolf Holst, *Über das Verhältnis der Juden zu den Christen in den deutschen Handelsstädten* (Leipzig, 1818); Markus Jost, *Neuere Geschichte der Israeliten in der ersten Hälfte des neunzehnten Jahrhunderts* (Berlin and Breslau, 1846); Isidor Kracauer, *Geschichte der Frankfurter Juden,* II (Frankfurt, 1927); Adolf Lewin, *Geschichte der badischen Juden* 1738-1909 (Karlsruhe, 1909); Heinrich von Treitschke, *Deutsche Geschichte im neunzehnten Jahrhundert* (Leipzig, 1882); G. Wolf, *Geschichte der Juden in Wien,* 1156-1876 (Vienna, 1876).

The following abbreviations are used for journals and periodicals: AZ.= *Allgemeine Zeitung* (Augsburg); LT.= *London Times;* MU.= *Moniteur Universel* (Paris); NS.= *Nederlandsche Staatscourant* (s'Gravenhage); OB.= *Oppositions-Blatt* (Weimar); ZGJD.= *Zeitschrift für die Geschichte der Juden in Deutschland* New Series (Berlin, 1929-37).

the Revolution of 1848, and so on up to the present day. All these incidents have occurred at moments of grave crisis and at times when oppression and the thwarting of the people's aspirations have been most severe. Finding their human and social needs frustrated, the people turned their agony against the nearest, most vulnerable object—the Jews.

The "Hep-Hep Sturm" of 1819 has been sadly neglected by historians. In the well-known works of Jewish history the riots are either entirely ignored or isolated from their historical context and described merely as the result of "unbridled passions" stemming from "ignorance" and "fanaticism," as if hatred of the Jews was an inherent part of the frailty of human nature. The incidents are considered of temporary significance, merely as a setback to Jewish emancipation.[1] However, if we wish to analyze the problem

[1] Jost, pp. 104-107, relates the outbreaks to passion and striving toward the reorganization of Germany, the fanatic Teutomania ("Deutschtümelei") of the Wars of Liberation, and the "bad temper resulting from the circumstances of the time" (p. 105); Graetz, pp. 528-535, describes the riots, seeing the causes in the "anger" of the Germanic students: "The ill-feeling against the Jews in Germany continued to grow without ground or provocation . . . The Germanizers panted for a sacrifice, and, as they could not attack the statesmen, such as the Metternichs, Gentzes, and Kamptzes, the helpless Jews were marked as victims" (p. 528); Martin Philippson, *Neueste Geschichte des jüdischen Volkes,* I (Leipzig, 1907), pp. 101-102, regards the riots as a result of Teutonism, as do Jost and Graetz; Dubnow, IX, pp. 22-24, considers the riots a "revival of the Middle Ages" (p. 22), of which the Romanticists had dreamed. Hatred of the Jews resulted from the suppression of "medieval Christian passions" by the police. Ismar Elbogen, *Geschichte der Juden in Deutschland* (Berlin, 1935), p. 226, only casually mentions the riots; Salo Baron, *A Social and Religious History of the Jews,* II (New York, 1937), pp. 238 ff., treats Jewish emancipation in Germany after the Wars of Liberation as steadily progressing, although slightly marred by "the alliance of vested interests, political reaction and romantic dreams" (p. 240); he does not mention the popular opposition to Jewish emancipation. Cecil Roth, "The Jews of Western Europe (from 1648)," in Louis Finkelstein, *The Jews, Their History, Culture, and Religion,* I (New York, 1949), p. 266, considers the "Hep-Hep" riots as one of the "occasional" outbursts against the Jews.

Jewish encyclopedias are equally uninformative. On the whole, they present information gathered from Jost and Graetz and appear more interested in the origin of the "Hep-Hep" call than in the social-economic basis of the riots. See the following encyclopedias under "Anti-Semitism" or "Hep-Hep": *Encyclopaedia Judaica* (Berlin, 1928); *Universal Jewish Encyclopedia* (New York, 1941); *Jüdisches Lexikon* (Berlin, 1928); *Jewish Encyclopedia* (New York, 1904); *Encyclopedia of Jewish Knowledge* (New York, 1934); *Valentine's Jewish Encyclopedia* (London, 1938).

of Jewish persecution, we cannot isolate it from the total human history in which the Jews participate.

The best-known non-Jewish German historians, with the exception of Heinrich von Treitschke, do not even mention the Hep-Hep rioting. The pages of their voluminous histories covering the early nineteenth century are filled with accounts of literary and academic protests against Metternich and Reaction.[2] Treitschke, although reporting the violent outbreaks, fails to recognize that they were not merely romantic revivals of "medieval" terrorism against Jews, but also popular attempts at revolt.[3]

The "Hep-Hep Sturm" of 1819 is a historical experience which provides valuable material for an inquiry into the conflicts that lead to anti-Semitic violence and the social and human destruction resulting from it. It is a tragic but instructive study of the failure of German democracy.

Social and Economic Transition in Germany After the Napoleonic Wars

An analysis of the anti-Jewish literature of this period, of the movements that made hatred of the Jews part of their program, and of individual agitators discloses some rather startling facts. The most dangerous enemies of the Jews came from the educated rather than from the uneducated classes, from urban populations rather than from the superstitious peasantry. Virulent hatred spread in the southern provinces of Germany, which had acquired constitutional government, rather than in the rural districts of Prussia dominated by the landowning aristocracy. It is true that friction and hostility existed in rural areas where Jews were

[2] G. G. Gervinus, *Geschichte des neunzehnten Jahrhunderts* (Leipzig, 1861); Ed. Heyck, *Deutsche Geschichte,* III (Bielefeld and Leipzig, 1906); Oskar Jäger, *Deutsche Geschichte* (Munich, 1910); Franz Schnabel, *Deutsche Geschichte im neunzehnten Jahrhundert,* II (Freiburg i.B., 1937); L. Stacke, *Deutsche Geschichte,* II (Bielefeld and Leipzig, 1881). C. Krollmann in his hateful pamphlet, *Warum gab es im Jahre* 1819 *eine "Judenhetze"* (Berlin, 1899), failed to analyze the social and historical forces involved in the riots. He took the position that the Jews deserved the violence perpetrated against them because of their "deceitful and parasitic" nature.

[3] Treitschke, II p. 529.

said to have speculated in land and cattle and at times foreclosed the property of poor indebted peasants. But the most fanatic hatred of the Jews originated with the "educated" classes of the old and newly rising cities of Germany because here it was combined with a new social philosophy.

In the transformation from an agricultural-feudal to a commercial-industrial society that took place amid the destruction and hardship caused by the Napoleonic wars, certain social groups were severely victimized. Newspaper reports similar to the following were common at this time:

> Whatever is manufactured is done by machines. Because of this fact, in this locality, more than 1,000 families have been put into a position that they cannot earn a living. This has resulted in an increase in the number of thefts.[4]

> The quiet and sympathetic man must surely grieve when he sees all this [luxury] and presumptuous capitalists side by side with bankruptcies and paralyzed commerce. The problem of poverty cost the state last year 282,175 marks which did not even prevent begging on the streets.[5]

In the famine of 1816 whole families died of hunger, and the notion that the Jews contributed to "over-population" became embedded in the minds of all classes.[6] Toll barriers hampered the transportation of much-needed foodstuffs, and Jews were considered to be among those who enriched themselves on the indebtedness of the peasants and withheld grain for higher prices.[7] English goods, which had piled up during the continental blockade, flooded German markets and crushed the young German industry. Manufacture of cotton and linen cloth came to a virtual standstill, and as German factories shut down one ofter another, thousands of craftsmen were thrown out of work.[8]

[4] AZ., February 23, 1819.

[5] AZ., August 9, 1819.

[6] Samson Wolf Rosenfeld, *Mémoire an die hohe Stände-Versammlung des Königreichs Baiern; über verschiedne gegen die Juden gemachte Anträge. Nebst einigen Wünschen und Bitten* (Munich, 1822), p. 33.

[7] Treitschke, II, p. 172; H. Dechert, *Kirchengeschichte von Frankfurt seit der Reformation,* II (Leipzig and Frankfurt, 1913), p. 35; A. Sartorius von Waltershausen, *Deutsche Wirtschaftsgeschichte* (Jena, 1923), p. 35 f.

[8] Sartorius von Waltershausen, *op.cit.*, p. 47 f.; Treitschke, II, p. 171.

It will be difficult and many contributions will be needed to give work and a livelihood to 5,000 weavers and 18,000 weavers' apprentices who have been impoverished by the breakdown of manufacture . . . since there is neither capital nor a desire to send them to Poland as has been suggested.[9]

Many occupations [in Bavaria] . . . have been ruined during the war years. The best branches of commerce in the Kingdom, the transport and shipping business, have been shaken to their roots by war and the Continental system.[10]

In the cities that profited from trade with England, on the other hand, commerce and finance became more firmly established, but at the expense of the guilds and local handicraft. There a new class of merchants' clerks and craftsmen arose which no longer enjoyed the stability and security once afforded by medieval guild protection.[11] "Commerce must be entirely free and unlimited regardless of the handicrafts"; this was the new motto in these commercial cities, as a contemporary writer pointed out.[12] To large numbers of apprentices and journeymen the hope of becoming a master came to be a mere illusion. The guild monopoly in the free cities and in South Germany, however, was not abolished by law until the middle of the nineteenth century and presented a great obstacle to the mobility of those no longer able to advance or to earn a livelihood in their original occupations. The problem of unemployment was severely felt.[13]

The Predicament of the Jews

For centuries the Jews in Germany were restricted in trade and in occupations so that their activities in earning

[9] AZ., June 4, 1818.

[10] AZ., February 10, 1819.

[11] Friedrich Bothe, *Geschichte der Stadt Frankfurt am Main* (Frankfurt, 1923), pp. 185 f., 201 f.; also Alexander Dietz, *Frankfurter Handelsgeschichte* (Frankfurt, 1925).

[12] Holst, p. 132; and pp. 177 ff., on the breakdown of guilds in commercial cities. The monopoly of the chandler guild, for example, was broken by merchants who imported foreign candles by the carton (p. 130 f.).

[13] Josef Kulischer, *Allgemeine Wirtschaftsgeschichte des Mittelalters und der Neuzeit,* II (Munich and Berlin, 1929), p. 447.

a livelihood might not interfere with the security and stability of the Christian population. Toward the end of the eighteenth century certain exponents of Enlightenment endeavored to include the Jew in the Emancipation that was to embrace all mankind. But in practice the ideals of universal humanity were suppressed, for political opposition to feudal governments was too undeveloped to translate the idealistic aspirations of the era of Enlightenment into practical reforms.[14] Thus, in Germany human rights were granted from above by the sovereigns and did not result from popular pressure. Moreover, the reforms were instituted by compulsion. When Napoleon conquered German territory, he literally forced democracy on the population. With one stroke he emancipated the Jews and lifted all bars against them in the occupations and in trade. It soon became apparent that democratic reform in the spirit of the Rights of Man was not in accord with the German popular will.[15]

A number of Jews rapidly penetrated into trade and finance with the energy of newcomers who had suddenly been released from centuries of ghetto imprisonment. Although they held only a small fraction of the total national wealth, they controlled much fluid capital.[16] Army purveyors during the Wars of Liberation amassed substantial fortunes.[17] At this time Jewish private bankers enjoyed financial leadership of the Bavarian state. Consequently, in the years following the war, the Jews were able to exert a decisive and dominant influence in the new expansion of commerce

[14] Dubnow, VIII, pp. 16-27, 69 ff., 194 ff., Ludwig Bergsträsser, *Geschichte der politischen Parteien in Deutschland* (*Mannheim, Berlin, Leipzig,* 1932), pp. 12 ff.; Graetz, V, chap. VIII; Selma Stern-Täubler, "Die geistigen Strömungen des achtzehnten Jahrhunderts und das Judenproblem," *ZGJD.*, VII (1937), pp. 71-76.

[15] G. P. Gooch, *Germany and the French Revolution* (London, 1920), especially chaps. 16-21; Saul Ascher, *Die Germanomanie* (Berlin, 1815); Ascher, *Die Wartburgs-Feier: Mit Hinsicht auf Deutschlands religiöse und politische Stimmung* (Leipzig, 1818).

[16] Jakob Lestschinsky, *Das wirtschaftliche Schicksal des deutschen Judentums* (Berlin, 1932), pp. 16 ff. Only fragmentary information is available on the economic position of the Jews in the first half of the nineteenth century.

[17] Ludwig Hümmert, *Die finanziellen Beziehungen jüdischer Bankiers und Heereslieferanten zum bayerischen Staat in der ersten Hälfte des neunzehnten Jahrhunderts* (Munich, 1927), pp. 29 ff.

and industry.[18] Jewish merchants traded in English-manufactured goods which, after the lifting of Napoleon's continental blockade, were auctioned off in large quantities.[19] Unhindered by past traditions restraining others, they quickly adopted from England the credit system, stock speculation, and methods promoting the sale of large quantities of manufactured goods.[20] In this process they were protected by ambitious sovereigns, with whom they were in open alliance and thereby made themselves the target of the protests of their oppressed subjects.[21] The success of these Jews was anxiously observed by the old and declining merchants of the cities, who were unable to adapt themselves to commerce that hinged on large-scale machine production. It was no less critically watched by the German manufacturers, who were plagued by English competition, and by the increasingly impoverished population.

Still, most Jews were neither large merchants nor prominent financiers; actually the Jewish masses lived in deep poverty.[22] Hoards of Jewish beggars and thieves roamed

[18] Lestschinsky, *op. cit.*, pp. 16 ff.

[19] Holst, p. 168.

[20] Holst, pp. 239 ff.; S. W. Rosenfeld, *Mémoire* (*supra, n.* 6), p. 7: "Versatility and speculative spirit take the place of the rightlessness of the Jews." An account by Nathan Rothschild, cited in Richard Ehrenberg, *Grosse Vermögen* (Jena, 1902), p. 57 f., illustrates the ingenuity and versatility of the Jewish entrepreneur under the difficult circumstances of the times: "There was not enough room for all of us in the city of Frankfurt. I dealt in English merchandise. An Englishman came over, who had the market to himself. He acted . . . as if he were doing us a favor by selling to us. I insulted him somehow and he refused to show me any samples. This was on Tuesday. I said to my father, 'I want to go to England.' I could speak only German, but on Thursday I departed. The closer I came to England, the cheaper was the English merchandise. When I got to Manchester, I used all my cash to make purchases. Everything was so utterly cheap and I made a good profit. . . . I said to the manufacturer, 'I will give you the material and dyes, and you deliver me the finished goods.' So I made threefold profit and could sell cheaper than anyone else. . . . I had an additional advantage; I was a merchant who could act on the spur of the moment. I took everything along with me and concluded the business on the spot." In general, cf. also Raphael Straus, "The Jews in the Economic Evolution of Central Europe," *Jewish Social Studies,* III (1941), pp. 15-40.

[21] Hümmert, *op. cit.*, pp. 29 ff.; Corti; Kurt Zielenziger, *Juden in der deutschen Wirtschaft* (Berlin, 1930); OB., October 14, 1819.

[22] Rosenfeld, *Denkschrift an die hohe Stände-Versammlung des Königreichs Bayern, die Lage der Israeliten und ihre bürgerliche Verbesserung betreffend* (Munich, 1819), p. 16.

the countryside and, unable to establish a residence, were hunted by the police.[23] Many Jews earned their livelihood in the cattle trade or by peddling. Because of their poverty and the strict limitations of their occupations, poor Jews were often forced to take advantage of those more needy than they thereby arousing the hostility of the population against themselves and the Jews in general.[24]

In the greater part of the province of Baden serfdom had been abolished as early as 1783, and in Bavaria in 1808. Peasant uprisings followed the sale of the common land to well-to-do peasants and strangers.[25] By 1819 many of the peasants who had been freed were heavily in debt to money-lenders and cattle dealers, most of whom were Jews.[26]

The Jewish peddlers wandered from village to village with bundles on their backs selling "cloth, buttons, needles, and thread."[27] They traveled far into the countryside, developing a great versatility and ingenious methods of trade. Viewed in the light of the old and still legally protected trade methods, their business often assumed an illicit character, irritating the "respectable" and sorely pressed Christian merchants.[28] Fretfully they complained:

> Whoever knows the Jew, knows that no law can prevent him from breaking it . . . He [the Jew] can ruin the retailer next door even if he does not have a sales room . . . and he will even mock him after his customers have been driven away.[29]

[23] F. C. B. Avé-Lallemant, *Das deutsche Gaunerthum*, I-IV (Leipzig, 1858). On Jewish beggars cf. Joseph Isaak, *Unmassgebliche Gedanken über Betteljuden und ihre bessere und zweckmässigere Versorgung; menschenfreundlichen Regenten und Vorstehern zur weitern Prüfung vorgelegt* (Nuremberg, 1791); Hans Bach, "Wohnungsnot vor 130 Jahren," *Israelitisches Gemeindeblatt* (Mannheim), August 15, 1930, No. 8; also an official report from a rural district of Baden of September 16, 1811, cited in Lewin, p. 131.

[24] OB., September 3 and 14, 1819; Lewin, p. 195.

[25] Kulischer, *Allgemeine Wirtschaftsgeschichte des Mittelalters und der Neuzeit*, II, pp. 434, 438 f.

[26] OB., August 6, 1819; Lewin, pp. 179 f., 191; 195.

[27] Sartorius von Waltershausen, *Deutsche Wirtschaftsgeschichte*, p. 29.

[28] OB., September 14 and 15, 1819.

[29] Ignatz Goll, *Gedanken eines Mitgliedes der gesetzgebenden Versammlung, über die angetragene Regulierung der Verhältnisse der hiesigen Judenschaft* (Frankfurt, 1820), p. 9. A contemporary carricature significantly pictured the Jew doing a profitable business even without the use of his head; Eduard Fuchs, *Die Juden in der Karikatur* (Munich, 1921), p. 79.

The Jew arranges his merchandise, making the doorsteps into a store counter. Here and there he widens the steps with stands. Sometimes he sets up a bench or chair near houses from which he is not forced to move, or he opens up a shop in a doorway. Finally he takes a pushcart . . . and the impudence of these fellows goes so far as to set up their businesses right in front of the stores of Christian citizens.[30]

The Attack on Emancipation and the Period of Germanomania

Shortly after the defeated troops of Napoleon left German soil, most of the medieval restrictions on the social and economic freedom of the Jews were reinstated in the various German states and free cities. At the same time, Prussia and Austria supported Jewish emancipation. Baron Hardenberg, Prussian delegate to the Congress of Vienna, saw in the Jew a helpful ally for financial recovery and for the expansion of trade.[31] Metternich seems to have been induced by much needed financial assistance from wealthy Jewish circles in Frankfurt and Vienna, to give his tacit consent to a paragraph to be inserted in the Acts of the German Confederation which was intended to preserve the Napoleonic liberation of the Jews "in the Confederate States."[32] However, when this article was put into final form, the word "by" was artfully substituted for "in."[33] Henceforth antagonists

[30] Holst, p. 184 f.

[31] Prussia was in a most difficult financial position. In 1813 Hardenberg was forced to inform England that Prussia could not continue war without a substantial subsidy. Rothschild negotiated loans from England to Prussia in 1814 and 1818; Ehrenberg, *Grosse Vermögen,* pp. 61-65. Hardenberg warned at the Congress of Vienna that the Jews would take their capital and trade elsewhere if they were not treated with friendliness; Baron, p. 89; also Rothschild's personal letter to Hardenberg, cited in Corti, p. 164, appealing for support of emancipation.

[32] Treitschke, II, p. 421; Baron, pp. 54 ff., 79, 117 ff.; Ehrenberg, *op. cit.,* p. 60 f., writes that "Austria was utterly bankrupt" and that the influence of the Rothschilds became publicly apparent after the Hundred Days (p. 78). After 1818 the diaries of Metternich's advisor, Gentz, are filled with entries of receipts and dealings with the Rothschilds; Friedrich Gentz, *Tagebücher* (Leipzig, 1873); Luwig Geiger, "Gentz's Empfehlung eines jüdischen Bankiers und andere Judaika," *Allgemeine Zeitung des Judentums,* 1913, p. 391 f.; Geiger, "Friedrich Gentz und die Juden," *ibid.,* 1910, pp. 414 ff.; Corti, pp. 107 ff., 172 ff.; Kracauer, pp. 451 ff.

[33] The text is cited in Baron, p. 169 f.: "The Confederate Diet will consider how the civil improvement of those professing the Jewish faith in Germany is to be effected in the most harmonious manner, and how in particular

of the Jews in the free cities and small southern German states claimed that only those laws which had been enacted *by* the states' legitimate authorities, not *in* the states by Napoleon, should be considered as continually binding. A juridical battle ensued, accompanied by many bitter accusations, to terminate the emancipation of the Jews.[34] The Council, Senate, and citizenry of Frankfurt insisted that the rights granted to the Jews in 1810, under the rule of Baron Dalberg, upon payment of 440,000 Gulden were no longer valid.[35] The Jews of Bremen and Lübeck were expelled at the request of the merchants and petty shopkeepers.[36] The guild masters and citizenry of Hamburg demanded that the Jews again be restored to their old status.[37] In their desperate situation, the Jews appealed to powerful reactionary circles for protection. As a result accusations were heard that Gentz and Metternich had been bribed by the Rothschilds and other Jewish "war profiteers." As the fight continued, the Jews were more and more suspected by the populace of conspiring with the powers of reaction and the forces that were preventing German unity.[38]

the enjoyment of civil rights and participation in civil duties in the Confederate States may be secured for them. Until then the rights already conceded to them *by* the Confederate States will be retained."

[34] For bibliography see Eichstädt, pp. 59-63; Stadtbibliothek Frankfurt a.M. (editor), *Katalog der Judaica und Hebraica der Stadtbibliothek zu Frankfurt* (Frankfurt, 1932), pp. 224-232. Michael Hess of Frankfurt wrote in *Sulamith,* VI, 1, Heft 1 (1819), p. 34 f.: "The efforts of the well-intentioned governments toward the consolidation and amalgamation of the Jews [with the rest of the population] must not be hampered by the miserable trade jealousy of the shopkeepers. They continue to preach hatred and persecution in pamphlets and newspapers. They consider every fortune gained by a Jew as having been taken from them illicitly by strangers who have no claims whatsoever. In direct contradiction to the intentions of the governments, they wish to restrict the Jews to the most miserable petty trade."

[35] Dubnow, IX, pp. 16-31; Jost, pp. 68-98; Kracauer, pp. 460-514.

[36] S. Carlebach, *Geschichte der Juden in Lübeck und Moisling* (Lübeck, 1898), pp. 84 ff.

[37] M. M. Haarbleicher, *Aus der Geschichte der deutsch-israelitischen Gemeinde in Hamburg* (Hamburg, 1886), pp. 136 ff.; Baron, pp. 196 ff.

[38] OB., August 3, 1819. Treitschke, I, p. 514, relates how the reported relationship between Rothschild, Gentz, and Metternich aroused the suspicion of the students that the Jews were on the side of everything reactionary, particularist, and un-German. Varnhagen von Ense wrote to Oelsner, on September 3, 1819: "One advises the Jews to be liberal; up to now they consider themselves as the allies of the rulers"; Ludmilla Assing, *Briefwechsel zwischen Varnhagen von Ense und Oelsner* (Stuttgart, 1865), p. 300.

With the simultaneous increase in the misery of the population and the conspicuous rise of new Jewish fortunes, a wave of hatred of the Jews spread through the German states. A play, bearing the title, *Unser Verkehr* ("Our Social Intercourse"), was performed with great acclaim all over Germany with the most famous contemporary actors in the cast.[39] Rothschild, everyone said, had offered a reward for the discovery of the author of the poisonous satire.[40]

Not only did the new anti-Jewish rantings demand restriction of the number of Jews, but some writers called even for their extermination. The literature was widely publicized by groups from every stratum of society, all venting their hostility according to the various mores characteristic of their own social and economic background.[41] They included well-known leaders of the student movement, university professors, writers of romantic fairy tales, ministers, members of leagues of Christianity and virtue, insolvent citizens, guild masters, and merchants. Writers among the clerical and conservative groups argued in support of the status quo, identifying religion with nationality. They recommended tolerance along with restrictive regulations on the Jews rather than their acceptance into the Christian state.[42] Merchants interested in the protection of their own

[39] Sessa, *Unser Verkehr* (Janke, no date). The play ran to at least eight editions in the German language alone. Other authors attempted to profit from the success of the satire, and a number of similar plays, including one by a minister, appeared, varying only in the intensity of the greed for money and power with which they endowed the Jew. For bibliography see Eichstädt, pp. 57-59; for the impetus given by the play to caricaturing of Jews, Fuchs, *Die Juden in der Karikatur*, pp. 68, 70, 106, 107, and reproduction facing p. 96.

[40] Corti, p. 209.

[41] For bibliography from around 1812 to 1819 see Eichstädt, secs. 4 and 5. This substantial list gives no idea of the vicious hatred of the Jews expressed in German romantic literature. For an excellent though incomplete account see Wilhelm Stoffers, *Juden und Ghetto in der deutschen Literatur bis zum Ausgang des Weltkrieges* (Graz, 1939), chaps. II and III; Franz Kobler, *Juden und Judentum in deutschen Briefen aus drei Jahrhunderten* (Vienna, 1935), pts. III and IV; Ludwig Geiger, *Die deutsche Literatur und die Juden* (Berlin, 1910).

[42] The most notorious of these was Friedrich Rühs, *Über die Ansprüche der Juden auf das deutsche Bürgerrecht* (Berlin, 1816); Rühs, *Die Rechte des Christentums und des deutschen Volkes* (Berlin, 1816). The first book appeared originally in a respectable historical journal in 1815; it was reprinted the same year because of popular demand. The character of the Jews, according to Rühs, is not determined by the history of their persecutions but is peculiar to the Jews as a people.

fortunes spoke against free trade. In violent diatribes and exaggerated indictments they maintained that if the Jews were granted unlimited rights, then surely within a short number of years retail and wholesale dealers would be impoverished in all the German states.[43] The Jew presented a handy target for these men to divert the hostility of the masses from themselves. They therefore depicted him as an economic monster who took hard-earned bread away from the poor German workingman.

The most virulent animosity was spread by a group of German writers who proclaimed themselves champions of the oppressed.[44] Their hatred of the Jews was interwoven with ideals of freedom and social progress. In the transition from feudalism to an industrial society the traditional frames of reference relating to agricultural life were being torn away. Since the groups that suffered in the transformation lacked political strength and harmony of interest, these writers filled the vacuum with a glorification of the mystical unity of a "natural folk" (Naturvolk). They advocated a specifically German revolution that would not entail the overthrow of feudalism, and called for national purification from the influence of French ideals and "Jewish parasitism."[45] These "Germanomaniacs," as a Jewish writer called

[43] E. g., Goll, *Gedanken* (supra, n. 29); Dubnow, IX, p. 30; *Sulamith*, V, 2, Heft 6 (1819), pp. 413-423.

[44] Jakob Fries, author of *Über die Gefährdung des Wohlstandes und Charakters der Deutschen durch die Juden* (Heidelberg, 1816), was the most notorious and influential of this group. The pamphlet appeared first in 1815 in the famous *Heidelberger Jahrbücher* and was reprinted the same year because of its popularity. According to Sigmund Zimmern, *Versuch einer Würdigung der Angriffe des Herrn Professor Fries auf die Juden* (Heidelberg, 1816), p. 4, note, it was read aloud in beerhouses. All of Germany's misfortunes, wrote this philosopher, have resulted from eighteenth-century humanitarianism. The Jews are the despoilers and exploiters of the German people ("Volksausplünderer"). Therefore, extermination of all Jewry is demanded. On Hegel's opposition to the "brew and stew" of Fries' German philosophy see his *Philosophy of Right* (London, 1896), Preface, pp. XXII ff.

[45] These authors built on the foundations laid by Herder and Fichte. Herder based German nationality on climatic, geographical, and natural conditions rather than on social contract as did Rousseau. He vehemently challenged all political and religious differences. In this scheme the Jews were considered "parasitic plants" with a foreign Asiatic inheritance which could not be integrated in the pure German folk. J. G. Herder, *Adrastea* (Leipzig, 1802), p. 142, and "Ideen zu der Philosophie der Geschichte der Menschheit," Herder's

them,[46] lamented the urbanization and commercialization of the German and related the immutable "ugly characteristics" of the Jew to the "commercial caste."[47] They eloquently depicted the exigencies of the German population, appealing to its deepest dissatisfactions, and as a solution counseled the extermination of the Jews. The influence of these leaders on the oppressed classes, in giving shape to their divergent hostilities, laid the foundations for the organized quasi-socialist anti-Semitism of the eighteen-seventies and eighteen-eighties. The German people learned early to lump together in hatred of the Jew all their enemies and misfortunes.

Apology for the Jews

The strong voices of hate were countered by weak and apologetic defenders of the Jews. Liberals of the economic school of laissez-faire steered a cautious course between the ideals of the French Revolution and German feudalism, betraying, nevertheless, an underlying prejudice against and contempt for Jews. They believed in granting full religious

Sämmtliche Werke (Leipzig, 1903), Book XII, pt. III, XVI, pt. V. Fichte, in his *Beiträge zur Berichtigung der Urteile des Publicums über die französische Revolution* (Leipzig, 1844), pp. 149 ff., attacked the Jews, not on the basis of religion, but because they formed "a state within a state" and recommended packing them all off to Palestine. During the Wars of Liberation these concepts became popular with students, organizations, and those who wanted to Germanize French ideals.

[46] Ascher, *Die Germanomanie*. Ascher maintained that when the free thought of the French Revolution fell on German soil, it was twisted into a peculiar German version. He attacked the German Christian Society, the League of Virtue, Jahn and Arndt for their mystical excavation of a German "Urvolk" and their hatred of the Jews. "In the few Jews these Germanomaniacs would prepare the first bundle of wood for the flame of fanaticism" (p. 3).

[47] Fries, *op. cit.*, p. 5. Fichte had already tied up German "folk" purity with the agricultural state. In his *Reden an die deutsche Nation* (ed. Leipzig, 1909) and in *Der geschlossene Handelsstaat* (ed. Jena, 1920) commercialism was considered a foreign characteristic. During the Wars of Liberation and thereafter romanticist writers decried urbanization and often made the Jew the epitome of all the evil which accompanied social and economic change. See, e.g., Achim von Arnim's "Majoratsherren" in his *Sämmtliche Werke*, II (Berlin, 1857), where a vicious old hook-nosed Jewish woman buys the house of a patrician German gentleman and converts it into a sal-ammoniac factory. The satire, *Unser Verkehr*, also depicted the Jew as a pathetic figure unsuccessfully attempting to assimilate to Germanic culture. According to this description, he is endowed with all the characteristics of greed and deceit which the population felt were marks of the new commercial society.

freedom, but sharply distinguished this from social freedom, advocating only slow progress toward emancipation conditioned on the moral elevation of the Jews. They trusted confidently that hatred was on the wane.[48]

The Jews put forward similar arguments, blamed their misfortunes on persecution, and concentrated to a great extent on the denial of particular accusations.[49] Only few lone voices cried out in this wilderness of apology: Saul Ascher, physician and publicist, Ludwig Boerne, a political writer from Frankfurt, and later the young poet, Heinrich Heine.

Prelude to Violence

In October, 1817 the Wartburg Festival was held, too often falsely labeled a landmark in the history of German "democracy."[50] Two of the most notorious anti-Jewish hate-rousers were active at the festival indoctrinating German students with German "folk-freedom."[51] The hostile spirit of these youths was expressed in the burning of a number of books and journals representing the authority of the Prussian state and constitutionalism. Saul Ascher's pamphlet, *Die Germanomanie,* which attacked the student movement, was also thrown into the fire accompanied by words of mockery against the Jews.[52] The Weimar journal, *Isis,* published a list of the burned books and illustrated it with caricatures (geese, donkeys, Jew-heads) and the Star of David.[53]

[48] For bibliography see Eichstädt, secs. 4 and 5. Most notorious of these authors were Johann Ludwig Ewald, Alexander Lips, and August Krämer.

[49] Eichstädt, secs. 4 and 5. Cf. the works of Michael Hess, Sigmund Zimmern, Gotthold Salomon, Joseph Wolf.

[50] Treitschke, I, ch. 7; II, pp. 425 ff.; H. F. Massmann, *Beschreibung des Festes auf der Wartburg* (Essen, 1818).

[51] They were Jakob Fries, author of the pamphlet, *Über die Gefährdung des Wohlstandes und Charakters der Deutschen durch die Juden,* and Professor Lorenz Oken, editor of the Weimar journal *Isis.*

[52] Ascher, *Die Wartburgs-Feier* (*supra,* n. 15), p. 34. For a revealing account of the relationship of the student movement to the Jews see Oskar Franz Scheuer, *Burschenschaft und Judenfrage* (Berlin, 1927).

[53] A reproduction of *Isis,* XI and XII, no. 195 (1818) is found in Stacke, *Deutsche Geschichte,* facing p. 684.

The festival was followed by police arrests and examinations. Soon Metternich's suspicion was strengthened that a conspiracy was in progress to overthrow the governments.[54] August von Kotzebue, a playwright and a friend of Jewish emancipation, was suspected of spying for the Russian Tsar. He was murdered in March, 1819 by a German student, deeply conscious of his German purity.[55] Violent outbursts against the Jews followed statements in the press defending the assassination. The author of a biography of Kotzebue, who praised the pure, virtuous heart of the Christian-German assassin, wrote:

> It is quite mistaken to assume that the vigorous hatred of the Jews is brought about merely by certain writers: A Christian hatred lives and dominates in the Christian states where the inhabitants are oppressed by the Jews, the privileged accomplices of the financial schemers. The day of judgement will come even if no writer should ever trust the press with one word of damage to the Jews.[56]

An attempt in July on the life of a minister of Nassau failed.[57] Terror reigned as Prussian and Austrian police agents seized books and papers, made arrests, and conducted secret examinations. When Metternich met with ministers from other German states from August 6 to September 1 to discuss the final muzzling of the press and free speech, the German population was seething with unrest.[58]

On August 3, a Frankfurt correspondent reported to the *Times* of London that several villages in the Duchy of Darmstadt had refused to pay taxes and that the government had been obliged to resort to military force. The

[54] Treitschke, II, pp. 430 ff.; C. Welcker, *Wichtige Urkunden für den Rechtszustand der deutschen Nation* (Mannheim, 1845), pt. I, ch. 3.

[55] Kotzebue's *Literarisches Wochenblatt* (Weimar, 1818), Nos. 6, 22, 28. It is important to note that Kotzebue did not attack the student movement for its "democracy" but for its "Teutonism." Cf. also the confidential letter from his friend, Saul Ascher, to Kotzebue, of February 1, 1818, cited in W. von Kotzebue, *August von Kotzebue* (Dresden, 1881), p. 164 f.

[56] Quoted in David Friedländer, *Beitrag zur Geschichte der Verfolgung der Juden im neunzehnten Jahrhundert* (Berlin, 1820), p. 8 f.; also Graetz, p. 533.

[57] Treitschke, II, p. 525.

[58] For accounts of the anxiety and unrest of the period see AZ., LT., MU., NS., OB. from July to December, 1819.

peasants were said to have barricaded themselves in their homes and were firing on the troops.[59]

On August 16, 1819, the *Allgemeine Zeitung* of Augsburg published a short report indicating that in the night of August 10 some minor disturbances had taken place in the ghetto of Frankfurt. The report characterized the incidents as "brawls" and ventured the guess that they were precipitated by "mischievous street urchins." Order, the newspaper emphasized, had been restored without delay by the worthy Council and the citizens of Frankfurt.[60]

Nevertheless, further reports reached the offices of the *Allgemeine Zeitung* at Augsburg proving that these "minor disturbances" were actually of much larger and more serious proportions. Indeed, rioting against Jews had been in progress in Bavarian towns and villages for more than two weeks.

The Riots

BAVARIA

The merchants of the Bavarian city of Würzburg anxiously demanded new restrictions on Jewish peddlers, and a literary battle ensued.[1] The Jewish banker, Solomon Hirsch, to whom many students and other citizens were indebted,[2] petitioned the Bavarian "Landstände" (diet) for full civil equality for Jews.[3] In July, 1819, there was much discussion at the meeting of the Bavarian diet in favor of the Jews, and finally the merchants' demands for stricter

[59] LT., August 11, 1819. These revolts were repeated in September; MU., October 3 and December 16, 1819; NS., October 4 and 13, 1819; OB., October 14, 1819. A detachment of cavalry was said to have been put to flight, and infantry with four pieces of cannon were sent from Durlach.

[60] AZ., August 16, 1819.

[1] For bibliography see Eichstädt, secs. 4 and 5.

[2] LT., September 13, 1819.

[3] *Untertänigste Bitte des Salomon Hirsch, um allergnädigste Revision derjenigen organischen Edikte und gesetzlichen Anordnungen, welche die staatsbürgerlichen Rechte der Bekenner der mosaischen Religion betreffen* (Würzburg, 1819).

limitations on Jewish trade were defeated.[4] Among those who spoke strongly in favor of the Jews was the deputy from Würzburg, Professor Behr.[5] On the evening of August 2, the citizens of Würzburg gathered to welcome his return from the session of the diet, and among those awaiting him was Professor Brendel of the University who also had declared himself in favor of the Jews.[6] Some "blackguards," the newspapers reported, recognized him and shouted "Hep-Hep!"[7] Thereupon students of the University and townspeople attacked Jewish stores and homes, broke the windows, and scattered the merchandise in the streets.[8] The next day,

[4] Wilhelm Stern, "Die Juden in Unterfranken während der ersten Hälfte des neunzehnten Jahrhunderts," *ZGJD.*, VI (1936), p. 235; *Sulamith*, V, 2, Heft 5 (1819), pp. 334-9; *ibid.*, Heft 6 (1819), pp. 413-423.

[5] "It would be inhuman," he stated at the session of the diet, "to restrict peddling even further. Can one kill all the Jews or send them off to Palestine? True, it is maintained and correctly so, that Jews should become tradesmen (Gewerbsleute) and farmers and not remain merchants only. This is maintained while barriers are put in their way, guilds refuse to accept them, and they are not allowed to purchase land." Behr recommended an assembly of "enlightened" Jews to discuss improvement of relations between Christians and Jews; *Sulamith*, V, 2, Heft 6 (1819), p. 336 f.

[6] Graetz, p. 528, relates that Brendel had written in favor of the Jews. In Eichstädt's bibliography, however, no book by Brendel is listed. OB. reported on August 3, 1819, that Brendel had "announced" the publication of a book in favor of full Jewish emancipation.

[7] Academic circles promptly traced the origin of the call to the marching chants of the crusaders. "Hep-Hep" was said to have been derived from the initials of "Hierosolyma est perdita" (Jerusalem is lost); MU., August 14, 1819. A letter to the *Jewish Expositor* in London of November, 1819, explains that in 1097 a party of crusaders, headed by Peter Gansfleisch and Conrad von Meiningen recruited new followers and inscribed the letters H. E. P. on their banners. These bands of crusaders never reached the Holy Land but proceeded to persecute and murder Jews, particularly along the Rhine. "Wherever this band came with their colours, the people shouted, 'Hep, Hep,' and fell upon the Jews." The Grimm brothers suggest a more "folkish" origin of the call. They say that "Hep-Hep" was derived from the calls of Franconian goatherds to their flocks, the Jews being here associated with goats because of their beards; Grimm, *Deutsches Wörterbuch* (Leipzig, 1917), under "Hep-Hep." According to AZ. of August 18, 1819, the expression had been in use since the Thirty Years' War. Lewin, p. 193, maintains that the combination of the three letters represents the names of the greatest enemies of the Jews: Haman, Esau, and Pharaoh. The *Jüdisches Lexikon* expresses the opinion that "Hep-Hep" was an abbreviation for "Hebräer." Cf. also *Jewish Encyclopedia*, under "Hep-Hep," on the use of the call after 1819. The *Jewish Encyclopedia*, errs, however, in stating that the call was first used in Frankfurt.

[8] The account of Graetz, p. 528, appears inexact. He reports that the disturbances in Würzburg began when a new professor was inducted into office at the University: the students began the rioting and their Teutonism was

upon the failure of the police to maintain order, a reinforced crowd marched from house to house, smashing windows, stoning stores, and breaking furniture.[9] The poet August von Platen described the scene as follows:

> Almost all the Jews had fled. Even in the highest circles one could find hatred against them. In the afternoon of the day before yesterday the disturbances reached their climax. Windows were smashed, doors broken, a house was plundered, furniture was battered to pieces. There were two dead, one soldier and one civilian. Meanwhile the troops assigned to the streets restored order. The Hep-Hep calls with which the city resounded have stopped. As far as the character of the lower classes is concerned, they are stupid, fanatical, and of bad disposition.[10]

King Maximilian Joseph would not tolerate any protest whatsoever from the population, even though directed against a handful of Jews. He considered these riots a "rehearsal" for revolution, but the Würzburg police vehemently denied this, their theory being that the riots were engineered by the merchants who were suffering from competition.[11] A strong detachment of royal troops, armed with cannon and rifles was dispatched and virtually besieged the city for weeks. Some twenty-three poor ragged individuals were arrested, and the *Allgemeine Zeitung* reported that not "one respectable citizen" was among them. The whole disorder, the paper insisted, was instigated by certain insolvent citizens, handicraftmen, and foreign riffraff ("zugelaufenes Gesindel").[12]

its prime motivation. NS., August 13, 1819, and MU., August 14, 1819, on the other hand, report that not students, but only "riffraff" took part in the rioting, and that the former had supported their Jewish fellow students. According to Austrian observers, the students declared they would fight with the citizens if Hussars quelled the disturbances; Wolf, pp. 109-111.

[9] Kracauer, p. 491.

[10] August von Platen, *Tagebücher*, ed. by Von Laubmann and Von Scheffler, II (Stuttgart, 1900), p. 305 f. Graetz, p. 529, states that "several persons were killed"; Dubnow, IX, p. 23, asserts that "several Jews were massacred." This is not substantiated by any of the sources consulted by this writer. Friedrich Schlegel wrote to Dorothea, August 18, 1819, that "some" were wounded and killed; Heinrich Finke, *Briefwechsel Friedrich und Dorothea Schlegels* 1818-1820 (Munich, 1922), pp. 265 ff. He considered the riots as a return to the Middle Ages at the "wrong end."

[11] Michael Döberl, *Entwicklungsgeschichte Bayerns*, II (Munich, 1912), p. 465 f.

[12] AZ., August 20, 1819; MU., August 14, 1819; NS., August, 13, 1819.

Although the paper maintained that even this "rotten mob," in their attack on Jewish homes, respectfully left all royal property and symbols untouched, the King issued the following proclamation:

The precautions taken by the Royal Government against the recent tumultuous disturbances in the city not only sanction but authorize the use of all military force at its disposal in the event the disturbances should continue and spread. His Majesty hereby expressly declares that such outrages as have occurred can and will never be tolerated again and that if the unbridled mob does not find a counterweight in the patriotic endeavors of the greater, law-abiding portion of the citizenry, the whole community will have to bear the consequences of the measures that may become necessary.[13]

By August 8, the Jews who had been living outside the city in tents, began to return to Würzburg under strong military protection.[14]

The Jews as well as other readers of the *Allgemeine Zeitung* now felt reassured that the violence was only the "mischief" of the uncouth and uneducated element. They failed to recognize the underlying social, economic, and political causes of the hostility, and entrusted their fate to the "fatherly" care of an oppressive king and his royal troops.[15]

However, during the month of August four attempts were made to set fire to a village, largely inhabited by Jews, about half a mile from Würzburg. Every morning, threatening letters were mailed out and proclamations issued to in-

[13] AZ., August 20, 1819. According to LT., September 11, 1819, and *Allgemeines Intelligenz-Blatt für das Königreich Baiern,* September 11, 1819, the cities were ordered to indemnify the Jews for their losses.

[14] NS., August 19, 1819.

[15] It is of interest that within less than a year of the outbreaks, on July 15, 1820, Dr. Voit, a physician of Jewish extraction, could make a speech at the University of Würzburg demanding civil rights for the Jews. However, in 1822, rumors spread throughout the city that the Jews had poisoned wells and hops used for making beer. In 1825 they were accused of poisoning sweets and of having them distributed among Christian children. In 1826 a new uprising with the call "Achhie," instead of "Hep-Hep" took place; Stern, *ZGJD.*, VI (1936), p. 236. Works on Jewish history, as a rule, consider only the progress of political emancipation, failing to recognize in these fluctuations of hatred significant symptoms of social unrest.

cite the populace to a general massacre of the Jews. In Bamberg, earlier, the Jewish community had trustingly made a contribution of 290 florins to a fund for the illumination of the city to welcome home the deputies from the session of the Bavarian diet.[16] Now they, too, shared the fate of the Jews in other Bavarian towns and became the target of the same violence.[17] On August 18, in Sommersack and Rimpar, synagogues were destroyed, Torah scrolls and prayer books were torn to pieces, and chandeliers were broken and thrown into the streets while the police conveniently disappeared.[18]

FRANKFURT

In the city of Frankfurt, medieval restrictions and petty regulations concerning the Jews were still jealously observed by Council, Senate, and citizens. The Christian guild masters and tradesmen who, in accordance with their monopoly, were accustomed to wait for business on their premises "with noble modesty," accused the Jews of "impudence" and anxiously observed the ingenuity with which Jewish merchants traded in English merchandise.[19] One citizen feared that if the Jews were allowed full freedom, Frankfurt's noble citizens would be the servants of the Jews within twenty years and would be confined to a "Christengasse" in the new Jerusalem.[20] A legal battle on all the issues involved ensued, lasting for nine years (1815-1824). The citizenry of Frankfurt attempted to invalidate the emanci-

[16] In A. Eckstein, *Die israelitische Kultusgemeinde Bamberg* 1803-1853 (Bamberg, 1910), p. 50, the riots are not mentioned.

[17] The Municipal Council of Bamberg assured the king that no burghers took part in the riots, only young and uncultured people. Riots were also reported from the city of Bayreuth; AZ., August 21 and 28, 1819; MU., August 26, 1819; NS., August 23, 1819.

[18] LT., September 11, 1819. The English paper is most indignant over such "scandalous inconceivable excesses" directed against those of the "Jewish sect." The first reports in the *Times* did not relate the rioting to the Jews but considered it a sign of general popular unrest.

[19] Kracauer, p. 347.

[20] Dubnow, IX, p. 30.

pation of the Jews effected by Baron Dalberg, and the Jews appealed for protection to the most reactionary powers of the time—the Congress of Vienna.[21]

At that time Mayer Amschel Rothschild and his sons had already gained prominence and substantial influence with ruling princes and foreign banking houses, while the old established banks of Frankfurt were weakened by their unfortunate loans to the princes who had been defeated in the Napoleonic wars.[22] Rothschild's adversaries did not miss the opportunity to remind the population that he had gained his influence on the ill-gotten wealth of the Elector of Hesse, which the latter had obtained from the sale of Hessian soldiers to America, and that the sovereign had guaranteed to repay Rothschild's loans by taxing his subjects.[23] It was more politic to direct popular protests against the Jewish Rothschilds rather than against the powerful princes.

Non-Jewish merchants and bankers, however, were equally guilty of profiteering from the war and the trade which ruined domestic industry. They showed increasing callousness toward the welfare of the people.[24] The problems of unemployment and the dissatisfaction of apprentices and journeymen were left unsolved. But since the growing misery of the people seemed to go hand in hand with the rise of new Jewish fortunes, they looked on the Jews as the only source of all their misery.

The news of the disturbances in Würzburg reached Frankfurt on August 5, 1819. The *Allgemeine Zeitung* reported that citizens began to chide Jews in "friendly fashion" with cries of "Hep-Hep" and "Jude verreck" (Jew

21 Siegfried Scheuermann, *Der Kampf der Frankfurter Juden um ihre Gleichberechtigung* 1815-1824 (Kallmünz, 1933); Heinz Bender, *Der Kampf um die Judenemanzipation in Deutschland im Spiegel der Flugschriften* 1815-1820 (Jena, 1939). For further bibliography see Eichstädt, pp. 59-63; Stadtbibliothek Frankfurt am Main (ed.), *Katalog der Judaica und Hebraica,* pp. 224-232.

22 Corti, chs. 2 and 3; Ehrenberg, *Grosse Vermögen,* pp. 41 ff.

23 Treitschke, I, p. 514; Corti, p. 187.

24 Dietz, *Frankfurter Handelsgeschichte,* V.

perish like a beast). Crowds loitered around the Jewish quarter. When, on Sunday, three days later, rumors spread that Jews had beaten a Christian, the situation came to a head. Blows were struck in front of the post office building where Rothschild's couriers came daily to receive news of world events. That night, bands of merchants' clerks, handicraftmen, and unemployed people armed with clubs, knives, and stones forced their way into the Judengasse. Windows were smashed, shots fired, and stones thrown into houses injuring the inhabitants. The homes of wealthy Jews, including Rothschild's home were special objects of attack. Groups of hoodlums marched up and down the streets beating Jews who dared to show themselves. Some arrests were made, but the rioters were released by Burgomaster Starck after a brief detention.[25]

The attack on the house of Rothschild, however, caused great concern to the Confederate Council which was assembled in the city and whose funds were deposited there. Ambassadors from the German states took the money into their own homes.[26] The President of the Confederate Council, Count Buol, proposed to the City Senate that he summon the aid of the military stationed at Mainz to suppress the unrest, a suggestion that was most humiliating for the city administration.[27] The latter therefore insisted that such a summons was unnecessary. It was maintained that the citizens had taken no part in the disorders, and that a "summons directed to the citizenry would easily suppress the disorder."[28]

[25] Graetz, p. 528; Kracauer, p. 492; AZ., August 11, 17, and 18; LT., August 27, 1819; NS., August 21, 1819; OB., August 21, 1819.

[26] AZ., August 20, 1819.

[27] Kracauer, p. 492; Graetz, p. 530; AZ, August 18, 1819. According to Treitschke, II, p. 529, Metternich ordered Count Buol to summon the garrison if necessary. The order, however, was dated as late as August 14, 1819. The letter is not found in the *Memoirs of Prince Metternich* 1815-1829, ed. by Prince Richard Metternich, III (New York, 1881); very likely it is in the archives of the Senate of Frankfurt or of the German Confederate Assembly.

[28] Kracauer, p. 492 f.; LT., August 27, 1819. Cf., however, the contemporary print illustrating the "Hep-Hep Sturm" in Frankfurt, reproduced in *Jüdisches Lexikon,* II, pp. 1547 f. This picture clearly shows well-dressed people participating in the riots.

The City Council now wished to regain its prestige, and being fearful lest the unrest might develop into a general insurrection, organized a guard of citizens. Simon M. Bethmann, Rothschild's greatest financial competitor, actively supported this measure and served as a major of the guard.

The *Allgemeine Zeitung* confidently reported that early the next morning order was so well established that all windows that had been broken the night before were already replaced.[29] On August 11 the Prussian representative Himly handed a note to the Council expressing confidence that the city's administration would

> take the most appropriate measures for punishing the attacks made upon the house of the Royal Prussian commercial advisers, Meyer Amschel von Rothschild and Sons, and would assure their persons and property adequate protection against similar risks in the future.[30]

The foreign "riffraff" was banned from the city. That same day a proclamation was posted reiterating the integrity and loyalty of Frankfurt's citizenry. The Jews were warned

> carefully to avoid every cause for unrest in the city and not to offer the Christian population any reasons for just complaints by immodest behavior or arrogance.[31]

The following day, however, in defiance of the Senate's orders, placards were found on the doors of the cathedral, calling for the persecution of the Jews, defying official orders, and refusing to serve in the citizen guard. At night-fall the window-smashing and "Hep-Hep" shouting started again and continued for some days until heavily armed patrols dispersed the crowds. For eight days thereafter the ghetto section of the city was occupied by troops and police.[32]

Count Buol sent couriers to Karlsbad to inform Metternich of the rioting. The diplomats assembled at Frankfurt

[29] AZ., August 20, 1819; LT., August 27, 1819.

[30] Cited in Corti, p. 211.

[31] Kracauer, p. 493.

[32] *Ibid.*, p. 494.

also reported to their respective governments what had happened.[33] On August 14 a meeting took place at the Ministers' Conference at Karlsbad to discuss the disorders.[34] On August 18 James Rothschild wrote to David Parish to implore Metternich's help.[35] Dispatches from Metternich on the subject were brought by courier to the Senate of Frankfurt.[36]

When the Jews, who had fled at the first signs of danger,[37] returned to Frankfurt, and the Jewish Community officially thanked the two mayors for suppressing the riots and even payed a "Gratifikation" to the disbanded guard, it appeared as though Frankfurt had returned to peace and calm.[38] But none of the real social tensions that had stirred up the unrest were relieved.

Frankfurt's noble citizens now wished to forget their tacit sanction of the rowdyism against the Jews and proceeded to erase the memory of this event from the history of the great Free City.[39] No investigations were held to determine the ringleaders of the riots and their possible connec-

[33] *Ibid.*, p. 493; LT., August 27, 1819; AZ., August 20, 1819.

[34] In a letter of August 15, Karl Mendelssohn-Bartholdi, *Briefe von Gentz an Pilat*, I (Leipzig, 1868), p. 405, Gentz referred to a meeting in Karlsbad on the previous day at which the Frankfurt riots were discussed. However, no official meeting is noted under this date in Welcker, *Wichtige Urkunden für den Rechtszustand der deutschen Nation.*

[35] Cited in Corti, p. 213.

[36] L.T., September 11, 1819. According to Wolf, p. 110, a report on the Hep-Hep riots of 1819 was sent by Metternich to the Austrian Emperor, but that document could not be found in the Secret State Archives of Vienna.

[37] LT., August 27, 1819: "Several rich persons sent their wives and children out of the city. Above 100 carriages, with families, left Frankfurt early in the morning of the 11th for Hanau, Offenbach and other neighbouring towns. Some persons paid four louis d'ors for a carriage for that day. Tranquility being restored, most of these families have returned home."

[38] Kracauer, p. 494 f.; NS., September 20, 1819.

[39] None of the Frankfurt publications of 1819-20 listed by Eichstädt mentions the riots. According to Scheuermann, *Der Kampf der Frankfurter Juden um ihre Gleichberechtigung* 1815-1824, p. 77, the Archives of the Senate contain hardly any mention of the riots. He found only one letter, dated October 11, 1819, by Mayor Metzler to leading personalities asking for their opinion on Jewish emancipation in view of the riots.

tions with the rioters of Würzburg.[40] Instead, Frankfurt washed its hands of the matter and prepared a joyous festival for the celebration on August 28 of Goethe's seventieth birthday.[41]

SAXONY, HESSE, AND DARMSTADT

The Hep-Hep spirit spread to Saxony, to Leipzig and Dresden, where windows were broken and troops had to be summoned. Minor disturbances were also reported from the Hessian towns of Fulda, where the police took vigorous precautionary measures, and Cassel, where a Jewish banker was insulted by a crowd gathered in front of his home. Violence of much greater proportions was reported from Darmstadt, where the populace gave expression to its anger by attacks on Jewish life and property, making it necessary for troops to patrol the streets for many days.[42]

BADEN

Similar outbreaks occurred in the province of Baden, both in the commercial towns and in the rural areas where peasants were heavily in debt. Riots were reported from Mannheim, Pforzheim, Bruchsal, Buehl, and Niedergrombach. In the little town of Heidersheim, the disturbances could not be quelled until a division of dragoons arrived from Bruchsal, and in Ottersweiler, Metternich's secret agents reported, money was being distributed to encourage the populace to riot.[43]

[40] Kracauer, p. 494.

[41] LT., September 8, 1819.

[42] AZ., August 24 and September 13, 1819; LT., August 27, 1819; MU., August 26 and September 4, 1819; NS., August 27, 1819. The *Grossherzogliches Hessisches Regierungsblatt* (Darmstadt) of September 8, 1819, insisted that the unrest in Hesse had been insignificant.

[43] AZ., August 22 and September 2, 3, 1819; LT., September 16, 1819; MU., September 13, 1819; NS., September 20 and October 5, 1819; OB., September 3, 1819; Wolf, p. 110, n.

The Hep-Hep spirit reached Karlsruhe on August 16. Handicraftsmen, elegant gentlemen, and the unemployed affixed posters to the walls of the synagogues and to the banking house of Von Haber demanding the extermination of the Jews. The Grand Duke of Baden returned from his castle and took up residence at the banker's house in order to protect his interests by his personal presence. Infantry and mounted artillery were called from Durlach and cannons were set up in the streets.[44]

The *Speyerer Zeitung* reported that rioting had occurred in Heidelberg. For weeks shouts of "Hep-Hep" had been heard on the streets. A citizen who insulted a young Jewish woman was subsequently arrested by the police but was freed by a crowd that had gathered to celebrate the Fête of St. Louis. Thereafter for a whole day rumors spread throughout the city that a Jew had been hung by his legs and thrown into the Neckar and that preparations were being made for demonstrations that night. The Jews regarded this news as a fairy-tale. Toward evening, however, bands of Hep-Hep men marched on Jewish homes. For three full hours they were free to do their handiwork.[45] The city guards refused to act and Governor Pfister himself assisted the hoodlums.[46] Equipped with hatchets, crowbars, knives, and stones, they broke windows, doors, and furniture, stole money wherever they found it, tore up papers and letters of debt, slashed upholstery and pillows, and filled the streets with bed-feathers, broken furniture, torn papers,

[44] Varnhagen to Oelsner, September 3, 1819, in *Briefwechsel zwischen Varnhagen von Ense und Oelsner*, p. 300; Lewin, p. 193; AZ., August 22 and September 2, 1819; MU., August 29, 1819. Berthhold Rosenthal, *Heimatgeschichte der badischen Juden* (Bühl, 1927), p. 250 f. LT., September 14, 1819, reported from Karlsruhe, September 10, that another attempt to incite the populace had been made but had been speedily suppressed by the police; also MU., September 7, 1819.

[45] AZ., September 1 and 2, 1819; LT., September 11, 1819; MU., September 4, 1819; Wolf, p. 110, n.

[46] Graetz, p. 531. Pfister was later charged with negligence of duty and was relieved of his office; AZ., September 20, 1819 and OB., September 30, 1819. However on October 9, 1819, AZ. announced that he had been appointed to the Mainz Commission for Investigation.

and dishes. The destruction would have been complete had not students of the University, armed with swords and sabers, under the leadership of two professors, restored the crowd to order.[47] The reporter stated that this

> freed the magistrate from greater responsibility . . . There were many who looked on with quiet joy and others who brought it [the destruction] on by years of intrigue. Here, as elsewhere, it will be said, "Only street urchins and the mob were the culprits." But it still remains a riddle what it was exactly that aroused the ragamuffins in all these cities . . . Meanwhile more than 200 students bear witness that it was not young vagrants who angrily abused them for meddling in the affairs of others and daring to arrest the hoodlums.[48]

The Grand Duke of Baden ordered a commission to investigate the riots in Heidelberg and held the various cities responsible for damages.[49] In the third week of September the roads of the Grand Duchy of Baden were still crowded with Jews fleeing with their families, and the Government stationed piquets on the highways to protect them from the insults of the peasants.[50]

[47] One of the professors, Thibaut, had expressed himself strongly against the political activities of the anti-Jewish philosopher, Jakob Fries, in 1816; E. L. T. Henke, *Jakob Friedrich Fries* (Leipzig, 1867), p. 153 f. Dubnow, IX, p. 23, describes the students as having been "immune to hatred of the Jews." Actually a serious conflict in regard to the admission of Jews to the Burschenschaft was in progress in Heidelberg. Carové led a group of students in favor of the Jews as opposed to the Teutonia, strongly influenced by Fries; Scheuer, *Burschenschaft und Judenfrage*, pp. 10-13, 16. In September a student spokesman emphatically denied that the students had acted out of love for the Jews, claiming that they were motivated by respect for "law and justice"; AZ., September 20, 1819.

[48] AZ., September 1, 1819; also Pfitzner, "Aus alten Papieren," *Akademische Monatshefte*, III (1886-7), p. 210.

[49] NS., September 20, 1819; AZ., September 14, 1819; Lewin, p. 194.

[50] Lewin, p. 194; LT., September 16, 1819, reported from Paris that many Jews were leaving their country and repairing with their families to France. "Among us they will enjoy the constitutional liberty and that security which is its fruit. It is now 150 years since French Protestants went to Germany in quest of peace and liberty. What progress have justice and public prosperity made in our country!" The same issue of the paper reported that a number of Jewish families of considerable fortune had arrived at Haguenau and Wissemburg, fleeing from Germany. Also LT., September 27, 1819.

PRUSSIA

Research concerning the position of the Jews in the Prussian state in 1819 discloses the startling fact that here the Hep-Hep spirit was isolated and did not gain the support of large sectors of the population as it did in the free cities and constitutional provinces. It is true that there was trouble and that the emancipation decree of 1812 was in part invalidated by new and petty restrictions excluding Jews from important social functions.[51] But the burden of economic and social conflict could not be focused on the Jews at this point.

In the small southern provinces of Germany the great Jewish merchants and financiers occupied a conspicuous and singular position, but in the powerful state of Prussia they played a more integral part in the over-all development of industry and commerce.[52] There was friction between the newly freed peasants of Prussia and Jewish money-lenders and cattle dealers, but the greatest suffering was created directly by the aristocratic landowners who enlarged their estates at the peasants' expense when serfdom was abolished.[53]

At the end of the eighteenth century the guilds and merchants had fought Jewish emancipation.[54] The struggle culminated in the vicious harangues of the anti-Jewish movement of 1803 led by Friedrich Grattenauer.[55] In 1808 the monopoly of the guilds was broken, and with the enactment of the pertinent law the final barriers to the free expansion of trade fell.[56] By 1819 the position of the petty

[51] Ismar Freund, *Die Emanzipation der Juden in Preussen*, II (Berlin, 1912), pp. 465-498.

[52] Lestschinsky, *Das wirtschaftliche Schicksal der deutschen Juden*, pp. 271 ff. On the participation of Jews in trade since the reign of Frederick the Great see Ludwig Geiger, *Geschichte der Juden in Berlin*, 2 vols. (Berlin, 1871).

[53] Kulischer, *Allgemeine Wirtschaftsgeschichte des Mittelalters und der Neuzeit*, II, p. 437; Jürgen Kuczinski, *A Short History of Labour Conditions under Industrial Capitalism*, III (London, 1945), p. 21.

[54] Geiger, *op. cit.*, I, pp. 59-145; II, 281-319; Dubnow, VIII, pp. 194 ff., 207 ff.

[55] For bibliography of the literature of this movement see Eichstädt, pp. 30-35.

[56] On the disintegration of the guilds in Prussia, Kurt von Rohrscheidt, *Vom Zunftzwange zur Gewerbefreiheit* (Berlin, 1898).

tradesmen and guild masters in Prussia was no longer powerful enough to enable them to raise a strong voice against the free trade of the Jews.

Thus it came about that the anti-Jewish spirit in Prussia at that time was dulled and the Hep-Hep callers were characterized as "ridiculous."[57] On September 2, 1819 State Councillor Staegemann wrote:

> Our Jews heard little Hep-Hep. The French look forward to their immigration to France. If it were not for the cursed so-called free cities, the Jews of Germany would be assimilated within fifty years (with the exception of the Polish Jews).[58]

From Berlin came a tale, considered most "delightful" by the *Allgemeine Zeitung*. A citizen who was too distinguished a person to act himself, commissioned several boys for a few groschen to shout "Hep-Hep" under the windows of a Jewish banker's house. Placards against the Jews were posted in Breslau. During the night of August 22 black arrows were painted on the doors of Jewish houses in Düsseldorf, and the Prussian Government offered an award of fifty crowns for the apprehension of the perpetrators. There were no disturbances in Cologne. Near the Polish border in Danzig, however, an insurrection took place in October which lasted for three days and put the Prussian garrison under arms.[59]

AUSTRIA

In Vienna slogans against the Jews were posted on house doors and the police had to take precautionary meas-

[57] AZ., September 7, 1819.

[58] F. A. von Stägemann, *Briefe und Aktenstücke zur Geschichte Preussens unter Friedrich Wilhelm* III, ed. by Franz Rühl, III (Leipzig, 1902), p. 7. There is no mention of disturbances in Prussia in the official *Amtsblatt der Königlichen Regierung zu Potsdam* (1819); cf. also Jost, p. 105. According to Dubnow, IX, p. 24, there was no rioting in Prussia because hatred was a "monopoly of the reactionary government. The unofficial haters of Jews could confidently trust in the hatred of the law-givers." This explanation is most unlikely. The cause lay rather in the social and economic conditions.

[59] AZ., September 3 and 13, 1819; NS., August 24 and September 24, 1819; LT., September 23 and October 30, 1819; MU., September 4, 1819; Graetz, p. 530; Ernst Weyden, *Geschichte der Juden in Köln am Rhein von den Römerzeiten bis auf die Gegenwart* (Cologne, 1867), p. 286.

ures; a civil servant and an army sergeant were jailed for twenty-four hours when they shouted "Hep-Hep" at a Polish Jew. On September 8, an order was sent out by the chief of the police to all provincial chiefs to the effect that "Hep-Hep" callers should promptly be punished. Such calls were heard in the market place of Graz, and in Cracow student riots against the Jews were suppressed by troops.[60]

MECKLENBURG

The police and armed forces of the Grand Duchy of Mecklenburg forstalled serious rioting in Güstrow. The fourteen Jewish families in that city of more than 10,000 inhabitants were threatened with extermination, and obscene messages were posted on the doors of their homes. "Every just and honorable Christian" was invited to take part in the slaughter, which was to begin with the call "Hep-Hep." One of the ruffians wrote:

> We are already 173 men strong and will meet on Sunday evening at 10 o'clock at the church. I sign as a true hater of Jews. Hepp-Hepp.[61]

A box filled with knives was said to have been prepared for an attack on the Jews when they gathered for services in their synagogue on the eve of the Day of Atonement. The police, however, took immediate precautionary steps, and the Grand Duke's troops threw a cordon around the building to prevent any violence. No further disturbances were reported from the Grand Duchy of Mecklenburg.[62]

HAMBURG

In the Hanseatic Free City of Hamburg, however, hostilities were in full swing. Its citizenry had fought strenuously against the commands of the big powers to retain Jew-

[60] Wolf, p. 111. According to Hans Tietz, *Die Juden in Wien* (Vienna, 1933), p. 162, there was no rioting in Vienna. Sigmund Mayer, *Die Wiener Juden* 1700-1900 (Vienna, 1917), does not mention any disturbances.

[61] L. Donath, *Geschichte der Juden in Mecklenburg* (Leipzig, 1874), p. 194.

[62] *Ibid.*, p. 194 f.

ish emancipation. There Jews with few exceptions were forced to earn their livelihood in petty trade which was a matter of great annoyance to the established merchants.[63] In July, 1819 the Free City experienced a severe commercial crisis. When some of the best established commercial houses went into bankruptcy, the population felt there was something "mysterious and frightening" in the sudden change in Hamburg's good fortune.[64]

On September 1, the *Allgemeine Zeitung* reported that the Jews themselves had committed the first instance of violence by "storming" a coffee house in overpowering numbers, so that not only the riffraff but "respectable" citizens as well were justified in shouting "Hep-Hep" and in ransacking Jewish homes. Persons belonging to the highest classes, reported the Weimar *Oppositions-Blatt,* went so far as to disguise themselves in ragged clothing so that they could take part in the rowdyism. The main attack was directed against the banking house of Von Heckscher, which had once been the residence of Napoleon's marshal Davoust.[65]

Fearful that the uprising might become an insurrection,[66] the noble citizens here, too, assumed a self-righteous air and threatened severe punishment for further disturbances.[67] But these warnings only incited the poor and unemployed apprentices of the city to further "mischief." The attacks were repeated during the following two days,[68] and

[63] AZ., September 1, 1819; Herbert Gonsiorowski, *Die Berufe der Juden Hamburgs von der Einwanderung bis zur Emanzipation* (Hamburg, 1927), p. 73 f.

[64] OB., July 31, 1819.

[65] AZ., September 1, 1819; MU., September 4, 1819; OB., September 10, 1819.

[66] The Council well remembered the so-called "Henkeltöpfchen" riot of 1730 when a Christian boy with a little basket on his arm entered a Jewish home and allegedly did not reappear. The violence lasted eight days although the boy was found on the first day; Haarbleicher, *Aus der Geschichte der deutsch-israelitischen Gemeinde in Hamburg,* p. 55.

[67] AZ., September 2, 1819; MU., September 3, 1819; *Sammlung der Verordnungen der Freyen Hanse-Stadt Hamburg seit deren Wiederbefreiung im Jahre* 1814, VI (Hamburg, 1821), p. 55 f. This proclamation by the Council referred to the rioters as "youthful and unthoughtful."

[68] For the second proclamation and the "Mandat" see *Sammlung,* pp. 57-64.

a number of Jews, their few belongings on their backs, took refuge in nearby Altona, under the protection of the police and the Danish troops.[69]

In order not to arouse the population further the City Council warned the Jews not to give occasion for disturbances,[70] and once again the petty spirit of the small tradesmen was victorious. On September 1, the Council issued a proclamation barring the "intolerable" Jewish peddlers and other "foreigners" from the streets. If they continued to peddle their wares to the vexation of established merchants, their merchandise would be confiscated and the honorable Council would expel them from the hospitable city of Hamburg.[71]

BEYOND THE GERMAN BORDERS

The Hep-Hep spirit also spread beyond the German borders.[72] When rumors were heard in the Danish capital of

[69] MU., September 5, 1819; OB., September 10, 1819, Beilage.

[70] Haarbleicher, *op. cit.*, p. 141; LT., October 8, 1819; MU., September 7, 1819. On August 30 the Council revoked the military orders. "Jews must not give cause for conflict and must conduct themselves properly, modestly, and politely in public places. They must refrain from all demands which are not in keeping with their position in relation to the state. . . . Otherwise they will be regarded as disturbers of the peace;" *Sammlung, op. cit.*, p. 65.

[71] Sammlung, *op. cit.*, p. 69. While the riots did not spread to Lübeck, they strengthened Lübeck's demand that the Jews be finally expelled; S. Carlebach, *Geschichte der Juden in Lübeck und Moisling*, p. 98, and *Sulamith*, VI, 1, Heft 1, (1819), p. 133 f. It is significant that a dispatch from Hamburg in the American newspaper, the *New York Evening Post*, October 8, 1819, paid lip-service to the most harmful prejudice against the Jews: "The indignation against the Jews is very great here [Hamburg], and there is no doubt but it will manifest itself in acts of violence if the government continues to favour them to the injury of the inhabitants. Already many branches of commerce are exclusively in their hands, and there are no bounds to their usury. They are no longer confined to certain quarters but spread themselves everywhere, so that there is reason to apprehend they will soon be in possession of the best houses in the city, as they are already of this in the country. For the moment they seem terrified and endeavour to conceal a little the insupportable arrogance by which they are characterized almost as much as by their insatiable avarice."

[72] Stern, *ZGJD.*, VI (1936), p. 236, and Varnhagen von Ense, *Denkwürdigkeiten des eigenen Lebens*, V (Leipzig, 1871), p. 152, mention that riots took place in Prague. Contemporary newspapers are not available in this country; and in the historical literature no mention of riots in Prague in 1819 has been found. Varnhagen also refers to disturbances at Riga. Treitschke, II, p. 528, lists riots in Amsterdam and Strasbourg. These reports could not be verified in the literature consulted by this writer.

Copenhagen that the Government had promised a friendly reception to Jews who were fleeing Hamburg, violence broke out. Sailors reinforced the armed burghers in their attacks on the Jews, and after a parley with Hussar officers, the soldiers also refused to act against the rioters. The King was said to have fled to a strong fortress before a new detachment of troops marched into Copenhagen to restore order.[73] Nevertheless, rioting continued to spread to the nearby cities of Odensee, Helsingoer, Hillerod, Nestved, Wordingborg, and Skagelsee. Finally regiments of Hussars and Uhlans suppressed the disturbances.[74]

The Hep-Hep Movement in Historical Perspective

For some time to come the German cities felt the serious economic consequences of the riots. Influential and wealthy Jews prepared to leave for France, Holland, and Vienna.[75] Jewish banks refused to discount bills of exchange of Christian merchants whom they suspected of having participated in the persecutions, and for some time this threw great obstacles in the way of commercial transactions between England and Germany. Many English merchants who traded with Germany were compelled to stop payments.[76] Solomon Hirsch of Würzburg took his business and family to Munich to live under the protection of the King.[77] Many Jews

[73] Jost, p. 105; Graetz, p. 531; AZ., September 16, 20, 22, 29 and October 18, 22, 1819; LT., September 17, 28, 1819; MU., September 19, 26, 28, October 2, November 12, 1819; NS., September 15, 22, October 8, 1819. The Government threatened the rioters with severe punishment. More than eighty arrests were made. LT., October 2, 1819, reported the arrest of an attorney who had led a gang in breaking into a Jewish home and his sentence to "rasp dye-wood." Hussar officers were imprisoned for their part in the rioting; AZ., October 29, 1819; *Evening Post,* November 18, 1819.

[74] LT., October 1, November 13, 1819; MU., September 28, October 5, December 21, 1819; NS., November 8, 1819; AZ., September 26, October 8, 1819. The violence recurred in October and was quelled.

[75] LT., October 22, 1819; MU., September 7, 1819. AZ., September 21, 1819, reported that Rothschild was preparing to leave for Vienna. Also letter from James Rothschild to David Parish of August 18, 1819, cited in Corti, pp. 212 ff.

[76] LT., September 24, 25, 1819.

[77] LT., October 23, 1819.

stayed away from the September fair in Frankfurt, thereby contributing to its failure.[78] Before long, however, Jewish financiers and merchants re-established the interrupted connections, and the Rothschilds were prevailed upon to retain their central office in Frankfurt.[79]

The affair was delicately suppressed. Contemporary newspapers avoided further discussion to determine where this storm had actually come from and how it had spread so rapidly over the German provinces. It was believed that only "despicable ruffians" and "rabble rousers" were at the bottom of the unrest,[80] and it seemed hardly worthwhile to raise a hew and cry over the violence of social derelicts perpetrated against mere Jews. This scum of society, wrote the *Morgenblatt für gebildete Stände* of Tübingen,

> will stop ranting soon enough when they discover that it quickens the digestion for which they have barely adequate nourishment.[81]

There was no defender of any strength or influence, Christian or Jew, to speak for the oppressed. The Jewish periodical *Jedidjah* failed altogether to mention the riots, and the editors of *Sulamith* did not wish to keep alive the memory of the violence because they desired,

> . . . to avoid everything that might arouse hatred against our fellowmen and that might weaken our co-religionists' love for our Christian fellow citizens. Indeed, a repeated description of these happenings would give rise to this.[82]

A Roman Catholic priest spoke softly for humanity, saying that God did not desire the extermination of the Jews.[83] Julius von Voss, who had previously satirized the Jews, now defended them.[84] He considered the riots the result of the

[78] AZ., September 18, 19, 1819.

[79] LT., October 22, 1819.

[80] OB., September 10, 1819, Beilage.

[81] September 4, 1819.

[82] *Sulamith*, VI, 1, Heft 1 (1819), p. 34.

[83] *Was ist ein Jude? Eine Frage zu seiner Zeit der Menschheit an das Herz gelegt von einem römisch-katholischen Christen* (Munich, 1819), p. 16.

[84] *Der travestirte Nathan der Weise* (Berlin, 1804); *Die Hep-Heps in Franken und anderen Orten* (Berlin, 1819).

extensive anti-Jewish literature and warned that those who had condoned the plundering of rich Jews might be the next victims of the rabble themselves. The precarious state of his personal affairs, however, aroused the suspicion that Jewish money had encouraged his conversion. His words were little regarded and he was even chided. Still less impression was created by the anonymous writings of various Freemasons in favor of the Jews.[85]

In an article of September 3, 1819 the humane *Oppositions-Blatt* recognized vaguely that the noisy hatred of Jews could not be designated solely as "fanaticism," but rather that it came from the "same source from which spring other serious symptoms of the time."[86] Ludwig Boerne noted one of the crucial conflicts involved. In the year of the riots he wrote:

> The enlightened people will learn that the harm they have done has not resulted to their own advantage, but they must relinquish the fruits of their dishonest conquest to a few insatiable aristocrats. The people will learn to understand that they have been led astray to misuse freedom, in order to make the assertion possible that they are not deserving of freedom.[87]

And elsewhere he exclaimed angrily:

> You [the Germans] have imprisoned them [the Jews] for a long winter in a dungeon and stopped up the doors with dung, but you yourselves, exposed to the frost, have been half frozen to death. When spring arrives, we shall see who will blossom first, Jew or Christian.[88]

Animosity toward the Jews prevented the people from recognizing the real causes of their oppression. They failed to form an organization that would express their true political and economic interests. Instead, in their confusion, they cheered the venomous harangues of their leaders and used the Jews as a screen on which to project their own mis-

[85] Graetz, p. 533.

[86] OB., September 3, 1819.

[87] Ludwig Boerne, "Für die Juden" in his *Sämmtliche Werke,* V (New York, no date), p. 101.

[88] Quoted in Graetz, p. 540.

ery. In so doing, they administered a severe setback to development toward democracy.

The constitutional states used the violent outbreaks to support their argument that the people were not ready for participation in government. In later years these outrages were referred to as illustrating the ill-feeling of the population toward the Jews, in order to withhold emancipation from them.[89] The Prussian authorities, on their part, claimed that these riots were the rehearsals of widespread secret revolutionary societies. One of Metternich's secret agents wrote:

> These attacks lie . . . deeper than the mere persecution of Jews. Every honest citizen considers the imminent outbreak of revolution inevitable if the petty princes do not adopt entirely different methods of government . . . because poverty . . . is so great in all localities.[90]

The disturbances provided the authorities with justification for further terrorization and oppression of the people and for increasing the number of arrests and police examinations. Everywhere the police were alerted to watch for further conspiracies, and the armies of Austria and Prussia were strengthened. Twenty-eight new reserve battalions from Galicia were organized, among them one to be formed by the Jews.[91]

On September 20, 1819, the Confederate Council adopted the Karlsbad Decrees unanimously and without debate.[92] A Central Commission of Investigation was established at Mainz, and military force was henceforth to be used to en-

[89] E.g., Jost, p. 107, note; Graetz, p. 532; Haarbleicher, *Aus der Geschichte der deutsch-israelitischen Gemeinde in Hamburg*, p. 141; Dubnow, IX, p. 33.

[90] Cited in Wolf, p. 110, note.

[91] LT., September 13, 1819; MU., October 20, 1819.

[92] On the aims of the Conference of Karlsbad see Welcker, *Wichtige Urkunden für den Rechtszustand der deutschen Nation*, p. 109. In this copy of the protocols of the meetings at Karlsbad no specific mention is made of the riots. However, unofficial talks took place on August 14, 1819 (*supra*, n. 34). Metternich's resolution submitted to the Confederate Diet recommended that particular attention be paid "to the spirit of disquietude and fermentation, the symptoms of which have for some years been daily more distinctly manifested in Germany, and which has finally shown itself in open seditious writings, in criminal plots, embracing more than one part of Germany, in individual crimes, and atrocious acts of violence"; quoted in LT., October 5, 1819.

force the final choking of the freedom of the universities and of the press.[93]

Vicious tirades against the Jews continued in spite of censorship. Hundt-Radowsky, author of a number of popular bad novels, recommended the emasculation of Jewish men and the confinement of women to houses of prostitution.

> The children of Israel should be sold to the English because they can use them well on their Indian plantations instead of the Negroes. . . . The Jews would do well to call another assembly at Frankfurt or Karlsbad soon to make provision that one should no longer call 'Hep-Hep' after them in Germany.[94]

In October it was still necessary to take military precautions at the celebration of the anniversary of the Battle of Leipzig.[95] The Rothschilds in Frankfurt received letters from a secret society dedicated to the expulsion of the Jews threatening them with assassination.[96] Despite all this, however, influential Jews continued to be fooled by the "fatherly" protection granted them so magnanimously by police examiners and royal troops. The aged David Friedländer, still a respected spokesman of the Jews, wrote in 1820:

> All this [hatred] has not disturbed a thoughtful Israelite for one single moment. We can depend with assurance on the forceful, wise governments as well as on the friendly German people who do not share this feeling [of hatred] . . . When my brothers in all countries continue, as they have until now, to be loyal to the fatherland and to its laws, and further, to attach themselves to their fellow citizens by virtue and morality, nothing is to be feared from the threats and prophecies of these nameless demagogues.[97]

[93] For the baneful influence of the Mainz Commission, cf. L. F. Ilse, *Geschichte der politischen Untersuchungen* (Frankfurt, 1860).

[94] Hartwig von Hundt-Radowsky, *Judenspiegel* (Würzburg, 1819), pp. 143-8. For a discussion of this pamphlet see *Sulamith*, VI, 1, Heft 1 (1819), pp. 32-3. Also Weissen-Becker, *Die Christen und die Juden, oder Richterspruch der Vernunft über das Leben, Dichten und Trachten der Juden* (Frankfurt, [1819]), written in popular language. The number of caricatures of the Jews published at this time bears witness that the spirit of Hep-Hep was not dead in Germany; see Fuchs, *Die Juden in der Karikatur*, pp. 218-229.

[95] MU., October 27, 1819.

[96] Corti, p. 216.

[97] Friedländer, *Beitrag* (*supra*, n. 56), p. 9, who—characteristically—attacks German literature for its vicious attitude toward the Jews but fails to analyze the popular rioting.

With the culmination of this hatred in the concentration camps and scientific mass extermination of Nazi Germany, it is our duty to examine history more closely than has heretofore been done and to trust less that progress will come by itself. We have no right to dismiss lightly incidents of hostility and violence, such as the very recent desecration of Jewish cemeteries and other outbreaks of revived anti-Semitism in still occupied Germany. They are the result neither of the degeneracy of a small element of society nor of an absolute and immutable hatred of Jews inherent in the psychology of the German people. Rather, they represent the deflection of dangerous tensions generated by economic crisis and political blindness. Hatred and violence against minority groups are symptoms of this stumbling block on the road leading to a better world.

THE RABBIS OF PRAGUE

A History of the Rabbinate of Prague from the Death of Rabbi Loewe B. Bezalel ("The High Rabbi Loew") to the Present (1609-1879)*

By Gutmann Klemperer
Late Rabbi of Tabor (Bohemia)

Simon Wolf Auerbach

AT least one hundred years before the period discussed here, the Bohemian Jewish community had, as it has today, a special representation whose members were named פרנסי ומנהגי המדינה. Their number is not known, but it may be stated that at that time, as far as the leading officers were concerned, no sharp division was made between the capital and the province; often the "Primator" (president) of the community in Prague also managed the affairs of the Jews in the province.[1] In any case provincial Jewry had their own religious head called *Av Beth Din Demedinath Pehem* (Bohemia).

The origin of the Bohemian province rabbinate is not known, but we do not find that this office existed in former times. The first Chief Rabbi of Bohemia of whom we know was Simon Wolf Auerbach, son of the learned David Tewel. At first he was rabbi in various large communities in Poland and for four years in Posen (1625-1629);[2] he then was called to Vienna and finally to Prague, where he died on November 12, 1631.[3] According to the epitaph on his tombstone, he wrote many books which, however, were

* Continued from Historia Judaica, Vol. XII (1950), pp. 33-66. See the Editor's Introductory Note, *ibidem*, pp. 33-35. For reasons of economy, several Hebrew titles in the continuation and conclusion of this article have been transliterated. The sub-headings in italics were added by the Editor.

[1] See *Gal-Ed*, Nos. 20, 72.

[2] J. Perles, "Geschichte der Juden in Posen," *Monatsschrift für Geschichte und Wissenschaft des Judentums*, XIV (1865), p. 89.

[3] *Gal-Ed*, No. 149.

not published. Only one approbation of a book (*haskamah*) is known which he wrote in 1615 in Przemysl for the morality book *Yesh Nochalin* by Abraham Sheftel Horowitz, father of the mentioned Isaiah Horowitz. Auerbach lived in Prague, where he was the head of a talmudic academy. That he became the successor of Lipman Heller, can only be surmised. Reading the inscription on his epitaph, one could even arrive at a contrary conclusion. There he is called only *Av Beth-Din al kol medinath Pehem,* while of R. David Oppenheim it is said, "He was the rabbi of the community and the country." In the printed by-laws of the Chevrah Kadishah, which contains a list of the rabbis of Prague, the name of Simon Wolf Auerbach is not mentioned; but this is not reliable evidence, because that list happens to be incorrect at this point. It mentions that after the resignation of Heller, the position of chief rabbi was temporarily held by Rabbi Wolf Spira until 1640. Yet this is not possible since the latter died in October, 1630, nine months before Heller's resignation.[4]

It may thus be possible that after the departure of Heller, his functions were taken over by Auerbach. Perhaps the community had no intention of electing a chief rabbi, since the forces responsible for the removal of the previous chief rabbi were still at work, and it would take some time to neutralize them. The situation of the Jews in the province was much better for they lived in harmony, and no difficulty arose in appointing a successor immediately after the demise of Auerbach. They elected Josef son of Abraham Kalomankisch as rabbi for the province of Bohemia (*Landrabbiner*). Again judging from his epitaph, he had previously been chief rabbi and headmaster of the schools in Poland where his vast learning brought him the highest honors. As a rule, his views prevailed at the yearly Polish synods. In his official duties he knew how to combine dignity with benevolence, and his premature death was generally lamented. He died at the age of 56, on October 12, 1636.[5]

The province, too, had lost its religious head at a time

[4] *Gal-Ed,* No. 13.
[5] *Gal-Ed,* No. 82.

when the vacancy of the chief rabbinate in Prague had still not been filled. This coincidence may have induced à movement to combine these two high offices. But it took another four years before a solution was found which fully satisfied both demands.

Aaron Simon Spira

The long vacancy of the chief rabbinate in the Bohemian capital caused a reversal of tradition. A remarkable thing happened: the Jewish community of Prague did not follow the popular proverb, "nemo est propheta in patria," but departed from the previous custom of going abroad in search of a rabbi, and entrusted the office of chief rabbi—it was the highest office it could confer—to a native son, a man born and educated in its midst.

Aaron Simon Spira, the son of Wolf Spira, over thirty years "assessor" or member of the rabbinical board of Prague,[6] was born in 1600. He left his country to become rabbi in such renowned communities, as Frankfurt, Lemberg, Lublin, Cracow,[7] and Vienna. In 1640 he was called back to his native city to become the rabbi of Prague and of the province.[8] His election was more than justified. He was a talmudist of the first rank and enjoyed the respect and confidence of the public. Even renowned talmudists asked his opinion on halachic questions. The Chief Rabbi of Moravia, Mendl Krochmal, author of *Tzemach Tzedek*,[9] and Rabbi Samuel Levi in Bamberg, author of *Nachlath Shivah*,[10] both respected halachists, regarded his decisions as authoritative.

Unfortunately, the very same difficulties that had arisen before appeared again. Just as the "High Rabbi Loew" and R. Lipman Heller had suffered much persecution merely because they had lived in Prague and had many relatives there, so Aaron Simon Spira, for the same reasons, was the target of many attacks which he was unable to combat. His grandson Jacob, rabbi in Rzeszov, reports in his book,

[6] *Gal-Ed*, No. 13.
[7] In *Ir Hatzedek* he is not listed among the rabbis of Cracow.
[8] See Preface to *Eliah Zutta* by Simon Altschul, rabbinical secretary.
[9] Nos. 45, 59, 78.
[10] No. 72 of his Responsa.

Shvuth Jaacob,[11] a fact which fully confirms the above and illustrates the treatment the rabbis had to endure. He relates that once, during the Sukkoth festival, grafted Ethrogim were brought to Prague, and as they were marked as such, Rabbi Spira would not allow them to be used for religious purposes. A number of talmudists, the rabbi's old adversaries, held an opposite view and, since they could substantiate their opinion, tried to win over Sabbatai Kohn, who happened to be in Prague and whose decisions are still considered fixed norms of the Halacha.[12] They succeeded, for Sabbatai Kohn understood the dispute to be of a theoretical nature only and did not attach to it any practical-political implications. Backed by this great authority, Rabbi Spira's adversaries decided to antagonize him openly. They forced the cantor of the Altneu-Synagogue in Spira's presence to use the objectionable Ethrog and to pronounce the benediction over it. As soon as the cantor had finished the forced benediction, however, the Ethrog slipped from his hands, fell to the ground, and lost its stem, thereby becoming unusable for ritual purposes. The scandal thus ended miserably, and Sabbatai Kohn, realizing that he had been used as a political tool, apologized to R. Spira. But still other, much greater difficulties assailed the heavily afflicted Rabbi Aaron Simon Spira. Unceasing complaints even brought him close to jail, until at last he received a charter written in golden letters from Emperor Leopold I (1658-1705);[13] possibly this was given to him during his stay in Vienna in 1669. While there he gave an approbation to Chaim Bachner for his work, *Or Chodosh,* which treats of the ritual blessings and was published in 1671 in Amsterdam.

Nothing else of R. Spira's works has been preserved for posterity, with the exception of an extract from his cabbalistic book, *Mareh Jecheskel,* published by Jecheskel Kindeles.[14] His grandson, Elia Spira, who was brought up in his house, often quotes the halachic decisions of his grand-

[11] Part I, No. 36.

[12] This may possibly have been in 1655, for about that time Sabbatai Kohn had to flee from Poland and stayed for some time in Prague.

[13] *Gal-Ed,* No. 31, n. 86.

[14] Prague, 1695 (*Ozeroth Chayim,* No. 2597.)

father in his celebrated work, *Eliah Rabbah.* R. Aaron Simon Spira died at an advanced age on December 3, 1679. After his death ten years passed before the next election of a rabbi.

Gabriel from Cracow (Eschkeles)

After the demise of Aaron Simon Spira, the two rabbinical seats, namely, that of the country and that of the capital, were again separated. The former went to the renowned school-rector in Prague, Abraham Broda, who retained it until his transfer to Metz in 1709. His successor was the learned and modest Wolf Spira, son of Aaron Simon Spira, who, after the death of his father, was acting rabbi of Prague until the new election in 1689. The choice for Chief Rabbi of Prague was Gabriel, son of Gabriel who was the son of Loew from Cracow, widely known for his piety and learning. Although Polish by birth, the new rabbi had many relatives in Prague, since his great-grandfather on his father's side, Sinai ben Bezalel, a brother of the "High Rabbi Loew," had lived in Prague and had numerous descendants.[15] Gabriel was a disciple of Samuel Koidenover, author of the commentary on the Talmud, *Birchath Hazevach,* and had attained such a high degree of rabbincal knowledge that he was generally called *Hagaon.* He was so modest that he resented it when people stood up when he passed by, and always carried a small Torah scroll so that the reverence shown would be meant for it and not for him. It is possible that this modesty also prevented him from publishing his works, as only a single halachic treatise of his is known which is printed in *Panim Meiroth.*[15a] His wife was a daughter of Berush, head of the community in Cracow, who was a son of R. Joshua Heschel, the successor of R. Lipman Heller as rabbi in Cracow.[16]

Rabbi Gabriel of Cracow in former years had been rabbi in Olkush (Russ. govt. Kielce); from there he was called to Prague where he did not stay very long. In 1694 he was called to Metz to succeed R. Gershon Aschkenasi, author of *Abodath Hagershuni.* It is said that as late as

[15] *Megillat Yuchasin,* p. 10 b.
[15a] No. 19.
[16] *Ir Hatzedek,* p. 113.

1839 his small Torah scroll, mentioned above, was still preserved there. Disputes with the community caused him to leave this city very soon and in 1705 he was appointed chief rabbi of Moravia. He lived in Nikolsburg where he died in 1717. His successor was his son, Berush Eschkeles, a very rich man who, without resigning his office, transferred his residence to Vienna.

In the meantime the office of chief rabbi of Prague was vacant for several years, and Wolf Spira, for the second time, became acting rabbi.

David Oppenheim

After an interval of ten years the rabbinate of Prague was occupied by a prominent personality of whom it can be said justly, as of the patriarch R. Jehuda, "he united within him learning and greatness." In 1704, the Moravian chief rabbi, David, son of Abraham Oppenheim from Worms, was called to Prague and was confirmed in his office by Emperor Leopold I on February 20, 1705. He was descended from a most distinguished and wealthy family; his uncle, Samuel Oppenheim, the famous court-purveyor and banker of the Austrian Court, owned a great fortune with which he helped his suffering fellow-believers in a most generous manner. Rabbi David Oppenheim also had substantial fortune and was a similar benefactor of mankind. It is inscribed on his tombstone that he dedicated one-tenth of his yearly income to humanitarian purposes, a sum totaling 50,000 Thaler. He not only was well versed in talmudic literature, but also excelled in mathematical knowledge.[17] It is not mentioned in his epitaph, however, whether he was also initiated into the Cabbala, although cabbalistic literature is well represented in his famous library. It is doubtful whether the statement of Graetz that Oppenheim was a confirmed cabbalist is justified.[18] If that were so, it would certainly not have been omitted from his epitaph, for at that time the knowledge of the secret science was a rabbi's greatest asset. In any event, as a talmudist David Oppenheim was one of the foremost minds of his time, a fact that is demonstrated

[17] *Gal-Ed*, p. 32 of the Hebrew section.
[18] Graetz, *Geschichte der Juden*, X, p. 347.

by many passages in the Responsa, *Chavvoth Jair,* and *Shvuth Jaacob* in which his name is mentioned often and with the greatest reverence.

David Oppenheim received his rabbinical education from Gershon Ashkenasi (died 1694), who had been rabbi in many communities, the last one in Metz, and from R. Meir Eisenstadt, in whose Responsa[19] he is praised as a highly gifted teacher "who cannot be surpassed in sagacity, magnanimity, and clear, well-arranged method of teaching." Ashkenasi wrote several works; his Responsa, *Abodath Hagershuni,* appeared only after his demise,[20] to which Oppenheim added a preface that is a noble monument to his teacher.

In decisions of Halacha R. Oppenheim showed a remarkable independence. And when he deviated from the established interpretations in following his own conviction, this did not imply that he bowed to any other authority. He went so far as to declare unclean (*trefa*) certain parts of the intestines of horned cattle which until then had been approved for eating without hesitation. R. Oppenheim even boldly asserted that the renowned R. Moses Isserles had not understood the respective halachah and had arrived at a wrong conclusion through a misprint in the *Kol-Bo.* To gain support for his decision, he wrote to the rabbinical authorities of his time, presenting his arguments to them, but he failed to receive their approval. Only R. Jacob Katz of Frankfurt supported him. Not even the rabbis of Prague agreed with him, and the most prominent among them, R. Jonathan Eibenschütz, took sharp exception to his treatment of the subject.[21]

It would seem that among the rabbinical authorities of Prague a certain aversion existed to the Chief Rabbi, which may be concluded from the following fact. In 1708, the following problem was under discussion: Is it permissible for a widow who has a child of less than twenty-four months of age to enter immediately into a new marriage, if certain conditions prevail? There was a difference of opinion be-

19 Pt. III, No. 11.
20 *Avodath Hagershuni* (Amsterdam, 1799).
21 *Kerethi Ufelethi,* section 64, No. 6.

tween R. Abraham Broda and the learned members of the Spira family. The former was inclined to permit re-marriage and wrote in this vein to R. Hirsch Ashkenasi in Altona to insure his support.[22] But how explain that the Chief Rabbi in Prague, who was the competent authority in that matter, was not even approached for advice? It is, of course, possible that Oppenheim was not in Prague at that time. A similar incident occurred on the Day of Atonement in 1725, on which day an anathema against the sect of the Sabbathians was publicly proclaimed in all synagogues of Prague. This document does not bear the signature of the Chief Rabbi, who had gone to Vienna.[23]

While we may not be able to report much about R. Oppenheim's activity as a rabbinical authority, he did erect an everlasting monument for himself as a very wealthy scholar. This monument is the great library he built up by very intensive efforts and at great expense. It contains books in all branches of Jewish literature and an immense number of manuscripts and old prints. Its nucleus derived from his uncle, Samuel Oppenheimer, who had enjoyed, in his task of book-collecting, the assistance of his patron, Prince Eugene. The latter, a distinguished general and statesman, saw no better way to induce his court-purveyor to undertake desirable financial transactions for war purposes than by presenting him with a number of precious Hebrew volumes from the Court library. In this way, many most valuable books of Jewish interest came into his possession, and he placed them at the disposal of his nephew. The fate of this library is as remarkable as its origin. Because of the existing censorship, Oppenheim was prohibited to bring his library to Austria; it was left in the house of his father-in-law in Hannover and, after the latter's death, in the house of his son Hirshel Isaac, rabbi in Hildesheim. When the latter died in 1770, the library was pledged for 40,000 marks. The creditors pressed for payment. The lawcourt wanted to sell the books at auction but first demanded an opinion from Professor J. Michaelis. This scholar advised against auctioning the collection. Various proposals were made to

[22] Eibenschütz, *Bnai Ahuvah*, Pt. III, p. 10; *Chacham Zvi*, No. 65.
[23] G. Klemperer, *Chayye Jehonathan* (Prague, 1858).

preserve the library for Germany, but nothing came of them, and in 1829 the University of Oxford bought the library which now adorns the great Bodleiana.

R. Oppenheim was twice married. His first wife, Genendel by name, was the daughter of Lipman Kohn, who headed the Jewish community of Hannover; she died in 1713. Subsequently, he married Shifra, the daughter of the Bohemian Landrabbiner, Wolf Spira. He assisted his aged father-in-law in his office by taking over the rabbinate of one half of Bohemia, and for this he obtained the confirmation of Emperor Charles VI on April 28, 1713.[24] Soon thereafter, in January, 1715, Rabbi Wolf Spira died,[25] and the Rabbi of Prague was appointed Rabbi of all of Bohemia. The Emperor's confirmation bears the date of September 19, 1718.[26]

R. David Oppenheim died on September 23, 1736. His portrait is displayed in the assembly room of the Chevrah Kadishah in Prague. The lifesize picture shows him as a blind, old man, for he lost his eyesight during his last years.

Of his descendants only two sons are known: the one who inherited the library has been mentioned; the other, Josef, became very friendly with the Sabbathian emissary, Nehemiah Chajun, when the latter visited Prague; he must have been deeply disappointed when the hypocrisy of this secret Sabbathian was discovered, for his father was also an ardent foe of this sect.[27]

R. Oppenheim's works are enumerated in *Gal-Ed.*[28] I have had no chance to look them over and therefore cannot report on them. I can only contribute what I heard in my youth from the Moravian Chief Rabbi, Nehemias Trebitsch, who told me that he knows a printed responsum by David Oppenheim, *Tzaphenath Paneah,* which deals with the regulations concerning the ritual bath of women.

Again the city of Prague and the Bohemian country were without a religious leader, but only for a short time.

[24] *Gal-Ed,* No. 80 (Charles IV is evidently a misprint).
[25] *Gal-Ed,* No. 65.
[26] *Gal-Ed,* No. 80.
[27] Klemperer, *Chayye Jehonathan.*
[28] No. 80.

R. Moses Isaac Spira, grandson of R. Aaron Simon Spira, took over the land rabbinate with its seat in Prague. There he worked successfully, especially through his popular lectures on *Orach Chayim,* which attracted young and old alike. He wrote several books on halachic topics which have been lost. A truly outstanding scholar was his son-in-law, R. Jonathan Eibenschütz, who was a member of the rabbinical board in Prague and, as an early appointment as chief rabbi could not be expected, was soon unanimously elected its president.[29] When Eibenschütz left Prague in 1741, R. Jacob Wiener, son of R. Mordecai Wiener of Hamburg, took his place. Here the latter headed a talmudic academy which trained many well-known scholars. At an advanced age he became acting Chief Rabbi. Three years later he completed his book, *Kol Kol Jacob,* containing commentaries to several talmudic tractates, to the four codices of *Shulchan Aruch,* to the Pentateuch, and in addition two sermons. A brief epilogue is appended, in which the author complained that he was no longer able to lead the academy. This work was so highly appreciated by the later chief rabbi, Ezechiel Landau, that he added a number of comments. It was published in 1802 by his grandson, Ephraim Loew Teweles of Prague, who in his preface, mentioned that the celebrated rabbis Jacob Steinhart in Fürth and Hirz Emden in Teplitz were disciples of the author.

Jacob Wiener died in 1753, four years after Moses Isak Spira had departed this life. Jonathan Eibenschütz was then a candidate for the rabbinical office in Prague. He wrote to his closest relative there, his daughter's husband, requesting him to appeal to the Jewish authorities to leave the country rabbinate unoccupied until such time as the result of the election of a chief rabbi in Prague would be known. It turned out differently than he had hoped, however. The land rabbinate in Bohemia was abolished and in its place county rabbinates (*Kreisrabbinate*) were established. The situation in Prague also found a happy solution. A scholar and leader was chosen, who was by far the ablest of all candidates.

(To be continued)

[29] *Or Leyeshorim,* p. 12.

A NOTE ON THE NEW EDITION OF PSEUDO-PHILO'S *BIBLICAL ANTIQUITIES*

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ONE of the features that makes the *Crozer Quarterly* particularly interesting and valuable to the lay scholar as well as the theologian is its fine Book Review Section. It familiarizes the reader with the most recent literary production through competent reviews that appear shortly after the publication of the various books. As a rule, the reviews convey to the reader a full account of the contents and offer pertinent, adequate, and constructive criticism from which students, including the authors, are glad to profit.

Mr. McCracken, however, has unfortunately not seen fit to accord that kind of review to the recent publication, *Pseudo-Philo's Liber Antiquitatum Biblicarum* ("Publications of Mediaeval Studies" of the University of Notre Dame, Volume X, Notre Dame, Indiana, 1949), in *Crozer Quarterly*, XXVII, No. 2, April 1950, pp. 173-175. True, he acknowledges that he derived his account of the present state of knowledge on Pseudo-Philo from the Introduction; he recognizes that "Kisch has in the main given us the data needed for the establishment of a text greatly improved over those of the sixteenth century, rendering the two [existent] translations now obsolete, since he has been able to restore the text of a great many lacunae"; and he concedes that "the reader who can patiently dig out the material consigned to the notes and compare it with the text will in most cases doubtless be able to reach a fairly sound reading." Never-

Historia Judaica, XII (1950).

theless, he finds fault with the entire edition, beginning with —in his opinion—"faulty textual [he probably means, "editorial"] principles" and ending with an impressive list of four printing errors in 277 pages.

During my thirty-five years of research in and editing of medieval manuscripts, this is the first time that serious objections are raised by a reviewer against the method and results of my researches. It is for the sake of scholarship only that I consider it necessary to examine closely their correctness and relevance. I beg to submit the following remarks to the judicious reader.*

1. On the very first page of the Preface (enlarged upon on pp. 93 ff.) I state that, under the given conditions, and particularly because of the unavailability of manuscripts during the war, only a *Schulausgabe* or working text for the immediate use of scholars in research and teaching was intended. Minutious textual criticism has led to a classification of the manuscripts and to the establishment of their filiation. On this basis the Admont manuscript has been demonstrated to be "superior to all other known manuscripts." This justifies its selection as the basis for a new edition of the limited scope described. No harm could be done to future research or an eventual, definitive edition by a faithful reproduction of the best, or at least one of the best manuscripts. The reviewer's statement that "Kisch's printed text has been based on faulty textual principles, the most elementary of which [*sic!*] requires the editor to print the best text possible," seems to me to demand one of two things: (1) something that is impossible, since all existent manuscripts go back to one and the same "mutilated ancestor," and even now, five years after cessation of hostilities, these are not available; or (2) a return to the editorial technique of the sixteenth century of changing the orthography

* Professor Morton S. Enslin, Editor of the *Crozer Quarterly*, refused to publish this "Note" in that journal, in which Mr. McCracken's review appeared.

in order to remove the "mediaevel appearance" from an— after all— medieval manuscript. Such a demand by the reviewer obviously contradicts his own statement that the means are offered in the new edition for the "establishment of a text greatly improved over those of the sixteenth century."

The editorial principles as applied in my new edition do not require further discussion, for ample explanation is given in my Introduction.

2. "As a result" (of the allegedly "faulty textual principles" applied), writes the reviewer, "we often find the undoubtedly correct reading in the *apparatus criticus* and something impossible in the text, *e. g.*, the meaningless *sepem* in the text (p. 209) and the correct *septem* (from Sichard) in the notes." This is the only instance offered by the reviewer to bolster his sweeping generalization.

The reference is to Pseudo-Philo's *Biblical Antiquities*, XXXIII, 6, on the death of Deborah. The pertinent passage reads as follows:

> Ecce periit mater ex Israel, et sancta que gerebat ducatum in domo Iacob, que obturavit *sepem generationis* sue, et generatio eius requiret eam. Et post mortem eius quievit terra annis septem.

It is utterly inconceivable how the correct and only meaningful reading, *sepem,* could be replaced by *septem,* which is either a faulty reading of Sichardus' typesetter or a printing error in the 1527 edition. *Septem,* which is of course correct in the last sentence of the passage, has obviously no place in the preceding one, neither grammatically nor with regard to the meaning. M. R. James, for his English translation, based largely on Sichard's edition, searched for an improved reading to eliminate the faulty *septem.* He found it in the Vatican manuscript (R), which probably goes back to the Admont manuscript, the latter having been

unknown to James (Cheltenham and Melk have also *sepem*). The meaning as rendered in James' translation is clear:

> Behold, a mother is perished out of Israel, and an holy one that bare rule in the house of Jacob, which made fast the *fence about her generation,* and her generation shall seek after her. And after her death the land had rest seven years.

To compose and enlarge on the speeches of biblical persons, Pseudo-Philo patently drew on other texts in the Bible. When I asked my friend, Dr. H. L. Ginsberg, Professor of Bible at the Jewish Theological Seminary, whether he could possibly suggest a likely model for this passage, he immediately directed my attention to Isaiah 58:12, by which the language of the author's eulogy was obviously inspired. It reads in the Vulgate version:

> Et aedificabuntur in te deserta saeculorum: fundamenta *generationis* et generationis suscitabis; et vocaberis aedificator *sepium,* avertens semites in quietem.

3. The reviewer "tested the accuracy of the editing by a comparison of the text and notes with the photographs of the initial *folia* of the two manuscripts" (Admont and Melk). He found the "number of inaccuracies somewhat disturbing." He examined "not quite a page for Admont and a little more than two pages [to be correct, two columns on one page] for Melk." Here are the results of his examination. He found "one instance where the reading of Melk appears to be credited to Admont, and vice versa." No precise reference is given. A careful new collation of the pertinent pages of Admont, Melk, and my edition fails to reveal such a mistake in the attribution of a variant reading. Nor does it bring to light the "several other differences between the two of less significance," which again have not been cited precisely by the reviewer. The latter seems to have overlooked the author's statement in his Introduction that mere deviations in spelling were not included in the variant readings recorded in the *apparatus criticus.* Accordingly, variant readings such as the following ones: I,1 Cain A, cain

Adm., cayn M; or I,4 *hae* A, *he* Adm., *hee* M, do not appear in the footnotes. Thus, only one instance pointed out by the reviewer remains, I,3 Zanath Adm., M, et Anath A, the last reading alone being found in the new edition. I readily admit that this must have been the result either of oversight or, more probably, of mistaking the "z" for the abbreviation of *et. Cladius,* instead of the correct *Claudius,* in the text (p. 109), should not have been taken by the reviewer for anything else than it actually is, namely, a printing error. Here, one of the mysterious errors occurred in typesetting: in all the proofs the well-known Roman name appeared correctly as *Claudius.* In resetting the line to correct another misprint, that regrettable error crept in.

The above exposition, I hope, warrants, the assertion that no scholarly reader or user of the new edition of Pseudo-Philo's *Liber Antiquitatum Biblicarum* need feel "disturbed." More, in this writer's library there is his unpublished manuscript, "Tabulated Collation of the Admont and Melk Manuscripts of Pseudo-Philo's *Antiquitatum Biblicarum Liber* with Johannes Sichardus' *Editio Princeps,*" quoted on page 40, note 47, which contains all minutiae of all the variant readings including those excluded from the printed *apparatus criticus* in accordance with the editorial principles set forth in the Introduction. Should any reasonable doubt arise in the future, this writer will be glad to give any information requested and available in his manuscript, "Tabulated Collation."

4. As long as, for reasons of economy, linotype has to be used for editions such as the *Liber Antiquitatum Biblicarum,* printing errors will be unavoidable. It happened here in spite of the fact that three proofs, and for about sixty pages even four, were drawn, and each of the three proofs was read by four different persons. Mr. McCracken is to be thanked for having discovered and added four typographical mistakes to the list of *Errata,* which was printed shortly after the publication of the volume. No reader would have failed to recognize these misprints.

In conclusion, perhaps this writer may be permitted to quote the final sentence from his Introduction to the new edition of Pseudo-Philo's *Liber Antiquitatum Biblicarum*: "The editor would feel rewarded if others would take up the thread and find the text of the present edition a useful foundation for the needed philological and exegetical evaluation of the text."

LAW AND JUSTICE FOR THE JEW: THE JEWS IN MEDIEVAL GERMANY

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AMERICAN scholars have contributed significantly to many aspects of medieval studies, often to fields Europeans have considered uniquely their own. These works have received the respect they deserve and have been welcomed with gratitude by continental investigators anxious to profit from what we have done for them. Certainly no competent critic would chide us for the attention we have given to medieval constitutional developments. For many decades, some have thought for too many decades, we worried much over the doings of kings in their councils, the sheriff on his rounds, curia rolls and plea rolls, writs and parliaments and estates. Our interests have become broader and other phases of medieval life challenge our attention and attract our efforts. It was natural, however, that we should know early and well as familiar friends the names of Glanvill, Bracton and Fleta. It was also natural that we should seek in things English the sources of our own past. Haskins especially and later many of his students, scholars like Stephenson, Strayer and Gaines Post, brought the continental background to the fore to make us now feel equally at home with Norman lawyers, the subtleties of canonists and the legal acumen of French officials of an ambitious royal court. Even the *Siete Partidas* is at once familiar to us, although American scholars have not yet given full and adequate attention to developments in Spain. Inspite of the fine work of Merriman and others, so much there still remains to be done. Medieval German history has received polite attention, scarcely more, and developments beyond the Rhine have had less attraction for us than those in more western European lands. The late James Westfall Thompson drew much needed attention to Germany in his significant study *Feudal Germany*, a book of many faults but a monumental work in spite of its shortcomings. The English scholar Barraclough, more recently and with greater originality, as author, editor and translator, has opened for readers of English wider vistas of the German medieval world.

In works like those referred to above emphasis has so often been placed upon constitutional matters to the neglect of the more extensive areas of legal history as such. Legal history and constitutional history are, indeed, categories that cannot always be separated. They are not,

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to be sure, identities and should therefore be treated accordingly. America, at least in medieval scholarship, has given us no Pollock, no Maitland, no Holdsworth; no Savigny, Brunner, Waitz or von Schwerin; and legal history, difficult and full of dangers as it is, has seemed foreign and remote from our interests. This is unfortunate and in part must be attributed to a general lack of interest of our schools of law in historical studies. Then, too, quite contrary to long established practice in European universities, American historians with primary interests in the European past rarely, if ever, pursue legal studies as a part of their general training. This divorce of law from history and of history from law in America is to be regretted. It is in the nature of things impossible to conceive of law without history and history without law loses much richness, often much of its meaning. Interest in American legal history is limited; in European legal history almost nil. The publication in America within the same year of two volumes dealing with the legal history of medieval Germany is, therefore, an item of importance, especially so when these represent work of great distinction which will truly be landmarks in the bibliography of German medieval history in general and of legal and Jewish history in particular. Both of these magnificent volumes are the work of Professor Guido Kisch and it is difficult to praise too highly the work he has done so well.[1]

To say that each book represents scholarship at its best is to labor the obvious. We are, however, accustomed to expect nothing short of excellence from Dr. Kisch and he has not disappointed us here. Any casual examination of either work will show at once its high quality; a minute, patient and careful reading of each inspires one with ever-increasing admiration for the skill, great learning, fortitude and subtle analytic powers of the author. The books both deal with medieval Jewry-law. *Jewry-Law in Medieval Germany: Laws and Court Decisions Concerning Jews* is a volume of original texts, prefaced by a brief introduction. Most of the texts are now published for the first time; many republished here are from volumes difficult to consult or inaccessible to modern investigators. This volume of texts was the first of the two books to appear in print and is the basic work of reference for the extended synthetic volume on *The Jews in Medieval Germany: A Study of Their Legal and Social Status,* a major work, one sure to attain the recognition it deserves. Dean Roscoe Pound's characterization of it seems singularly appropriate. "It is," he says, "an outstanding contribution to legal history and of importance for medieval history, economic history and even for sociology. It is an exceptionally fine bit of history

[1] Guido Kisch, *The Jews in Medieval Germany: A Study of Their Legal and Social Status.* Chicago: The University of Chicago Press. 1949.

Guido Kisch, *Jewry-Law in Medieval Germany: Laws and Court Decisions Concerning Jews.* New York: American Academy for Jewish Research. 1949. [American Academy for Jewish Research: Texts and Studies, Volume III.].

writing. . . . There is really nothing to compete with it." These are words of high praise from a legal scholar accustomed to speak judiciously.

The amount of physical energy required to produce books such as these is incommensurable, made even more so when it is known that so much of the work was done in the face of difficulties that seemed overwhelming and an almost endless series of frustrations that followed upon the advent of the Nazi regime to power in Germany. Both legist and historian, linguist and scholar in many fields of learning, Dr. Kisch was especially fitted by background, training and temperament to write this history of German Jewry-law. In the preface to the volume of texts he informs us that "the beginnings of both works reach a long way back. The history of law as the story of the development of the human mind and the ordering of human society," he adds, "has fascinated the author for many years. Interest in Jewish history was early aroused by the Jewish milieu of his native Prague with its ancient synagogue and hallowed cemetery." His first publication dealing with this subject appeared in 1913 and others followed as time, his other absorbing interests in legal history and his duties as university professor would permit. He was, in succession, professor at Leipzig, Königsberg and Prague, and until his dismissal by the Nazi authorities, professor and dean in the law faculty at Halle. When a scholar of such repute and recognized standing presents in final form a life work, we must examine with respectful attention what he has done. Sensitive to the difficulties of his task, Dr. Kisch pondered deeply the problems before him. He knew that being legal problems they demanded the treatment and consideration of a legal historian, and it is well to note that later in the finished work he reminds us that "a historian who attacks legal history, even if he produces essays or books on themes in this field, does not thereby become a legal historian." In the truest sense a legal historian himself, he took as his guiding principle the aim to penetrate into the sources both as historian and as jurist. This aim he has admirably achieved.

One would indeed err if too narrow and restricted an idea of the scope of Dr. Kisch's major work were inferred from the title of his elaborate essay, *The Jews in Medieval Germany: A Study of Their Legal and Social Status.* He does write concerning the Jew, concerning a minority group in medieval Germany. Since, it can be said, he writes of them from "without," rather than from "within" their own restricted Jewish communities, he has occasion to touch upon, frequently at considerable length, historical items explaining political, social, economic, feudal, sociological, legal, religious and intellectual developments in central Europe. This is merely to indicate that what he presents is for a wide circle, not exclusively for those interested in the history of the Jewish group alone. His use of the term "Jewry-law," however, does need a word of explanation. Briefly, this is Dr. Kisch's English equivalent of *Judenrecht,* a compound, he tells us, found only in the

German language and not to be confused with *jüdisches Recht*, the Jewish law of the Jewish communities. He explains further that

> the special rules of law determining the status of the Jews within the structure of the medieval state are comprised in the term "Jewry-law," formed after and equivalent to the expression *Judenrecht*. . . . It is obvious that both these terms, unlike designations such as "Roman law" or "English law," meaning the law of the Romans or the English, do not refer to the Jews as the law-creating factor. Jewry-law is, on the contrary, of non-Jewish origin, the product of legislation, administration of justice, and legal theory in Christian states dealing with the legal status of the Jews. As a rule, they are treated as passive objects of legislation and law enforcement. [A moment's reflection shows that] this specific meaning of the word thus carries with it a discriminative connotation (p. 7).

It is certain that no one even only slightly familiar with medieval social developments would form the conclusion that the Jew was a favored element, enjoying idyllic bliss in the not always tolerant Christian society of the Middle Ages. The Jew had his troubles and he had them in abundance. The story of his fate is, nevertheless, one of ups and downs (at least until the third decade of the thirteenth century), not to be pictured graphically by an ever-ascending straight line between the coordinates of the facts and theories of a consistently hostile Christian society. Times of crises in medieval society brought violent reactions and we know only too well the determined, premeditated, officially-sanctioned vile retaliation of the Christian upon the Jew during the opening years of the Crusades, or by impecunious monarchs hard pressed financially in a still feudal world, or by groups emotionally disturbed at the time of catastrophies like the Black Death—to mention but a few of many obvious examples. Yet individuals and groups seek solace by finding a scapegoat for their own misfortunes and follies. The Jew was always present; he was the natural butt of Christian frustration and ill-will; he suffered much. With all its studied opposition to the Jew and with its increasing lack of tolerance so evident in the thirteenth century, the Christian community nevertheless, being its own medieval self, had still a basic respect for fundamental law that it could never completely disown. "The conception of the equality of all men before God led to that of equality of all men before the law." To be sure, the Jew was no Christian believer and even as convert he was often suspect. He was neither heathen, heretic, apostate, unorthodox, nor revolutionary; but he was outside the Church. "The Jew appeared, of necessity, to the medieval Christian mind as something more than an ordinary unbeliever." His great sin was that of being "a deliberate unbeliever. He was one who knowing the truth, refused to recognize it." Strong as such an idea might be, and strong it was to the medieval mind, it

faced an eternal challenge, a challenge forced upon it by its own Christian heritance. The Jew, it knew, was a man; God's creature; an object of human dignity. There was a persisting dichotomy here and consistency was not the prime virtue of German, nor of other medieval groups. Nevertheless persisting legal traditions gave far more respect to these conflicting extremes than might be supposed. It required the penetration into German lands of foreign elements to weaken and undermine completely German traditions sensitive to higher values and the practice of law and justice for the Jew as well as for the Christian.

To learn the exact position of the Jew in medieval Germany Dr. Kisch has scrutinized thoroughly those rich "mirrors of the law" (*Spiegel des Rechts*), also known as the German "lawbooks" (*Rechtsbücher*). These are products of the thirteenth century and furnish one of many examples of the rich legal literature of an age much concerned with law, especially sensitive to its complexities in juxtaposed and competitive legal systems. Like the *De legibus* of Bracton, the *Coutumes* of Beaumanoir and numerous other contemporary compilations, the *Rechtsbücher* enshrined the old rather than created the new and in the truest sense so often mirrored ethical precepts of the noblest type. The age in which this law became a matter of written record was, incidentally, one marking the end of a brilliantly inventive, frequently benign and usually flexible legal tradition in Germany; one marking also the introduction of rigidity, of alien and anti-Semitic concepts which had been notably absent in earlier times. For the German Jew the age of the ghetto and of the yellow badge was at hand.

The *Rechtsbücher* were private compilations of customary law and were the work of individual lawyers, men who not only knew the law, but who were also jurists of renown. In many instances the compilers were endowed with literary gifts of high quality. Since these works were written in medieval German, they are among the earliest monuments of German prose. It is well to emphasize here their essential German character, for these "mirrors of law" were composed before the *corpus juris* and canonical codes entered German lands, to change for centuries the nature of German jurisprudence. "In the beginning," writes Dr. Kisch, "none of the private works possessed the authority of codified law. But in practice some of them were looked upon and employed as codes of law. Hence they contributed greatly to the further development of law. Their value as sources of legal history is evident and acknowledged." They are further described as "private records or digests of customary law, compiled by expert lawmen and intended to give a comprehensive account of the whole body of legal material in specific spheres of law within a certain territory and covering a certain subject matter." They were not legislative codes. It is these writings that Dr. Kisch analyzes knowingly and with great sensitivity in Part I of *The Jews in Medieval Germany*. Had he done nothing more we should still be most grateful

to him, but this is merely his serviceable introduction to even greater riches that follow. It is obvious that only the most highly trained scholar can handle such material properly and with profit for others. Like Dr. Kisch he must be historian, legist and linguist if his heavy labors are to produce worthy results. What has been done in this section of the book is invaluable.

The section reserved for this description of the sources and scope of medieval Jewry-law is subdivided into many parts, all significant but of varying importance to German legal developments as a whole. If any single compilation is to be noted especially, the "Mirror of the Saxons" (*Sachsenspiegel* or *Sächsisches Landrecht*) must be accorded this distinction. Dr. Kisch's work is, in a sense, a commentary on and evaluation of this extraordinary document. He has naught but admiration for it as a monument of legal history and for its author, Eike von Repgow (1180—*post* 1233), he has obvious affection. It might almost be said, and appropriately so, that Eike is the hero of his tale. This comes as no surprise to those familiar with his *Sachsenspiegel and Bible*,[2] a work in which he earlier dealt at length with this great medieval lawyer of knightly rank. As a lay judge Eike had assumed the task of explaining to the Saxons their customary legal heritage, giving them a written code, but not a textbook. What he did, he did well, displaying a fine juridical sense in expounding legal matters. He arranged the substance of his work according to legal categories, thus marking an advance over contemporary practice in such endeavors and showing considerable juristic sophistication. Since he wrote between 1221 and 1224, his work represents purely German law and stands in contrast to its important rival the *Kaiserliches Land-und Lehnrecht*, known since the seventeenth century by its more familiar title *Schwabenspiegel*. This was of Bavarian origin, written in 1274/5, and based on Eike's work, but containing so many additions and reflecting such changed attitudes that much of the original work was transformed; its fundamental spirit in many instances transformed completely. Dr. Kisch considers this a lawbook of second rank, lacking the originality and independence of Eike and his work. Yet he does accord it a place by the side of the Saxon compilation, "not for its content but because of the influence which its ideas exerted on the development of law, particularly in southern Germany."

The sections on Jewry-law in these writings were applied extensively and are basic sources for understanding the position of the Jew, his rights and privileges, in medieval German lands. Among the many

[2] Guido Kisch, *Sachsenspiegel and Bible*: *Researches in the Source History of the Sachsenspiegel and the Influence of the Bible on Medieval German Law*. Notre Dame. Ind., 1941. [Publications in Medieval Studies, Volume V.]. Cf. the writer's joint review of this work and Beryl Smalley's *The Study of the Bible in the Middle Ages* (New York, 1941) in the *American Historical Review*, XLVII, No. 4 (July, 1942), 831-833.

legal sources exhaustively examined by the author were the Jury-Court decisions of the Madgeburg Jury Court (*Oberhof*), rich mines of information of a most practical and illuminating sort. The fame of the court at Magdeburg came from a combination of the pre-eminence of the town, its strategic position in relation to other communities closely dependent upon it for protection and legal advice, but not least to the truly noble and notable tradition the *Schöppen* (the lay judges) there had established for legal knowledge, juristic acumen and continuous respect for law, the end and aim of which was justice. The Madgeburg *Schöffensprüche* show also that there "developed a trend to remodel and adjust with a unifying tendency the privileges of territorial law to the requirements of municipal law." To recall that the Jews were primarily city dwellers makes the importance of this trend obvious. "Even more remarkable," says Dr. Kisch, "may be considered the high stand of ethics in law as generally applied by the *Schöppen* of Magdeburg in their judicial practice, with respect to Jews no less than to non-Jews."

Two chapters of Part II describe the legal status of the Jews, a problem about which there has been and continues to be much controversy. One problem of the many involved concerns the right of the Jew to bear arms in medieval society, a right many have denied that he ever possessed. Dr. Kisch shows that originally he did have the right to bear arms, not only the right, but under certain conditions the duty to do so, as is vividly evident in one of the illustrations to the *Sachsenspiegel* that he reproduces in the *Jewry-Law in Medieval Germany* facing page 90. The specific denial of the Jew's right to bear arms is in evidence before the end of the first quarter of the thirteenth century and is found explicitly stated for the first time in the Saxon Mirror.[3] The lengthy exposition of the long-debated nature of chamber serfdom (*Kammerknechtschaft*) should attract much attention, for it represents another fundamental matter about which there has long been much dispute. In his great imperial land peace (*Constitutio Moguntina*) of 1235 the emperor Frederick II made no mention of protection for Jews; in the following year he extended an old Jewry-privilege of Worms to cover all Jews in German imperial and dynastic lands. An important juxtaposition of events is here discerned for the first time by the author who shows the close relationship between the incorporation into canon law of the doctrine of *servitus Judeorum* (first expressed in 1205 by Innocent III) by Gregory IX in his *Liber Extra* issued in 1234; the desire of the emperor to produce a companion to the pope's collection of decretals, a desire given added support from encouragement by a person like the poet Henry of Avranches but one requiring time for

[3] Book III, Article 2: Paphen unde joden de wâfen vûrent unde nicht geschoren ne sint nâch yrme rechte, dût men ine gewalt, men sol ine bezzeren alse eynen leyen, went se ne sollen nicheine wâphene vûren, die mit des kuniges tagelekes vrede begripphen sîn. *Jewry-Law in Medieval Germany*, p. 38.

fulfillment; the emperor's silence concerning Jews in the Mainz land peace of August 15, 1235; the legislative formulation of the *servitus camerae* in 1236. "In 1237 the whole theologic-historical trend of thought was taken over into an imperial privilege." Four years brought about great changes. Dr. Kisch remarks:

> It was as obvious as it was logical that the Jews, barred from the right of arms, reduced to merely subordinate services in the army, socially degraded, and legally at a disadvantage, should come to be considered outright serfs, *servi*, and that rule over them should be assigned to their protector, the king. Indeed, this conclusion was drawn completely by medieval political practice and the medieval doctrine of law. The Jews had been transformed from agents in the economic and legal life, endowed with full rights and worthy of protection, to objects of the economic policy in need of protection, general and legal. The extent of the rights granted to them became dependent on and determined by the benefits accruing to the holder of power from his tolerating them. Therewith was engendered at the same time the idea of a political Jewish question, something which had not existed before (pp. 130-131).

The significance of such changes can hardly be over-estimated. Here is a conspicuous example of the closing-in on the Jew as the thirteenth century advanced. Doctrines of equality of rights might challenge or at least embarass those of chamber serfdom, but *Kammerknechtschaft* prevailed, visibly dishonoring the position of the Jew, now an inferior, rather than emphasizing once more the protective principle latent within the concept. By the fourteenth or fifteenth century a lower court could base a question laid before the Magdeburg *Schöppen* on the conclusion that "as subjects of the princes, Jews enjoy no rights except those bestowed on them by the princes."[4]

Anyone slightly familiar with legal sources is aware that what appears in a code, legislative act or decree may or may not be indicative of the actualities of legal practice and accepted custom. Even formal amendments to the Constitution of the United States have had little bearing on the realities of the society they were designed to regulate and unduly severe criticism should not be brought against medieval men if they too occasionally deviated from the stated rule. The remarkable fact is, however, that in the case of the *Sachenspiegel* the relation between principle and its application was often harmonious. This may be attributed in no slight measure to the brilliant work of the Magdeburg *Oberhof* and the continuously prevailing respect of lesser courts for its decisions which they were not legally bound to accept as dicta of an

[4] *The Jews in Medieval Germany*, p. 363 and p. 440, note 123: wenne juden nicht under ehn [den fursten] keyn recht habin, wenne was rechtes ehn die fursten gebin und setzin.

appellate tribunal in the modern sense, but which, nevertheless, they often followed so willingly. Jews, like non-Jews, enjoyed and used the right of applying to the Magdeburg judges for decisions in matters of law. It is of more than casual interest to learn that in doing so little deviation in attitude was displayed by the judges, whether replying to Jewish or non-Jewish queries. Whereas the customary formula for reply was: "Friendly greetings first; very good friends; you have asked us to state the law in these words,"[5] in replies to Jews the attribute "friendly" and the salutation "very good friends" were omitted and *du* instead of the formal *ir* was used in addressing them. Dr. Kisch does not see in this use of *du* any reflection of disesteem for the Jews and believes that "this deviation from custom was only a social and legal differentiation, perhaps generally applied, arising from the applicant's status."[6]

The many problems arising from the actual application of Jewry-law are examined in five chapters in Part III and this section of *The Jews in Medieval Germany* has importance not only for the intrinsic interest of the illuminating facts of medieval legal practices explained there, but especially because it represents the results of arduous research in a field still almost completely neglected by investigators. It is a rich and original contribution and the natural inclination to dwell at length on its contents must be avoided out of respect for limitations necessarily imposed upon the reviewer. After showing how the Jew fared under Magdeburg jury-court jurisdiction, Dr. Kisch gives a chapter each for the discussion of Penal Law, Civil Law, Criminal and Civil Procedure, and Adminisrative Law. The details of these chapters are fascinating, but only a few points of major significance can be singled out here. Penal law protected Jew as well as non-Jew, his religious institutions and, indirectly, the Jewish community. It is noteworthy that the *Meissener Rechtsbuch* alone is shown to be the only one of the many lawbooks of the thirteenth and the fourteenth centuries to exclude Jews from the ownership of real property. Jewish money lending and the ever-perplexing problem of usury, so recently again brought to our attention by Professor Benjamin Nelson,[7] receive proper consideration, as does the equally controversial problem of the Christian as moneylender. The author has much to say about those Caorsins who seem to have out-distanced all contemporary medieval moneylenders in arousing opposition and to have had few rivals for notoriety in financial circles of the thirteenth and fourteenth centuries. In his account of criminal and civil procedure the section[8] describing the Jewry-oath not

[5] *The Jews in Medieval Germany*, p. 177. The German original is: Unseren fruntlichen gruss zuvor; besonders guten frunde; ir habt uns umbe recht gefragit in sulchen worten.

[6] *Ibid.*

[7] *The Idea of Usury* (Princeton, 1949).

[8] *The Jews in Medieval Germany*, pp. 275-287.

only explains the oath taken by the Jews when establishing proof in lawsuits with Christians, an act done always according to the rules of Jewish law, but also provides an English translation of this vital document.[9] The original of this *Schwabenspiegel* Jewry-oath, reconstructed from the principal manuscripts, is found in the volume of texts.[10]

The internal life of the Jewish communities was primarily regulated by Jewish law, but certain decisive matters came within the province of administrative Jewry-law. Dr. Kisch has concluded that "there can no longer be any doubt that the separation of the Jewish from the general settlements in medieval cities had its origin in the free will of the early Jewish settlers and by no means in compulsory measures imposed on them."[11] His argument, in brief, is that the Jews congregated together for religious, economic and social reasons. The change from "voluntary seclusion" of the Jew in urban settlements to one represented by "compulsion and discrimination" begins in the thirteenth century, an age which made obligatory the wearing of the "Jewish hat," previously worn from choice. That "great" century witnessed also the deterioration of social intercourse and cordial personal relations between Christian and Jew and the *Schwabenspiegel,* as one might suspect, inspired by canons of the Fourth Lateran Council, incorporated prohibitions to the effect that

> 9. Christians are forbidden to eat in the company of Jews any food prepared by them; nor shall they invite any [Jews] to a wedding or conviviality. No Christian shall bathe together with Jews. On Holy Thursday afternoon they [Jews] shall have their doors and windows shut; also they shall not go into the street. This is to last until the coming of Easter day.
>
> 11. The Jews shall not have Christians with them in service, to

[9] *Ibid.*, pp. 278-279. The general tenor of the oath may be learned from these few extracts:

"This is the Jews' oath, as they shall swear it, and everything that belongs to their oath. He shall stand on a sow's skin, and his right hand shall lie in a book up to the wrist; and that shall be the five books of Moses. And he who administers the oath to him shall speak thus:

About the goods for which this man sues against thee, that thou dost not know of them nor have them nor hast taken them into thy possession, neither thyself nor thy servants, buried in the earth nor hidden beneath walls nor under lock. . . .

And so that the blood and the curse ever remain upon thee which thy kindred wrought upon themselves when they tortured Jesus Christ and spake thus: His blood be upon us and upon our children: it is true.

So help thee God, who appeared to Moses in a burning bush.

It is true, the oath thou hast sworn:

By the soul which on doomsday thou must bring to judgment.

Per deum Abraham, per deum Isaac, per deum Jacob: it is true.

So help thee God and the oath which thou hast sworn. Amen."

[10] *Jewry-Law in Medieval Germany*, pp. 62-63.

[11] *The Jews in Medieval Germany*, p. 292.

> eat their bread and food. These [Christians so serving] are excommunicated.[12]

"General Aspects of Medieval Jewry-Law" is the caption employed by Dr. Kisch to describe the contents of the concluding section of his larger work. In this Part IV he recapitulates and discusses the broader implications of topics previously examined. This is an excellent synthesis and may well be read first with profit by readers compelled to postpone a careful study of what precedes. Students of the history of nationalism will discover in these chapters materials and ideas that should challenge their attention and they will do well to scrutinize the author's arguments in his cogent analysis of the concept in relation to the medieval Jew. It was, he insists over and over, religious animosity from which the Jew suffered; the fact that he held strictly to a belief other than that of his Christian neighbors that caused him trouble. "The medieval mind," he insists, "did not understand the 'Jewish problem' in terms of nationalism but exclusively under the aspect of religion."[13] The Jews were not aliens; they were stubborn non-believers. Nor was the medieval consciousness aware of the concept of race which was later to bring so much sorrow to the Jew inspite of its bastard origins and untenable presuppositions. Then, too, the Jew's economic function in society, challenged everywhere by Christian competitors avid for personal gain, also led to his undoing and aided in the deterioration of his rapidly declining social status. This was especially true in the fourteenth century and obvious in the sources available for our study of that complex age. When all is considered, however, "the dynamic influence of the theological factor on the other factors co-determinative for the social status of the Jews can hardly be overrated."[14]

One wonders immediately, when confronted by the facts of the declining social and economic freedom of the Jew after 1250, how such a situation is to be explained in the face of long prevailing legal traditions. The author admits the legitimacy of such a query. He insists, nevertheless, that the answer to it must be an historical one. He shows, for example, how the Magdeburg *Schöppen* were ever conscious that their high calling placed upon them the task and duty "to strengthen Right and to weaken Wrong" ("das Recht zu stärken und das Unrecht zu kränken") and gives from a Cracow manuscript of the fourteenth century the oath taken by every judge and juror of the famous *Oberhof* on assuming office.[15] The latter is reminiscent of Beaumanoir's succinct characterization of the ideal *bailli*. Yet much good will and a traditional sense for law and justice for the Jew in German lands could not with-

[12] *Ibid.*, 300-301. Such canonical influences were at the time still foreign to the *Sachsenspiegel*.

[13] *Ibid.*, p. 310.

[14] *Ibid.*, p. 337.

[15] *Ibid.*, p. 343.

stand onslaughts from the *corpus juris* of civilian glossators and post-glossators or, especially, from the canon law of the Roman church. Briefly then the fall of the Jew is attributed to non-German elements, particularly to forces of the *Rezeptionzeit,* a period that brought with it changes not only for him but fundamental ones for all Germans. "On the basis of Roman law," Dr. Kisch concludes, "German legal doctrine and legislation in the later Middle Ages thus participated in the general trend to deprive the Jews not only of their legally recognized status but also of the recognition of their human dignity."[16]

It is gratifying to find that these works of major importance have been given proper consideration by publisher as well as by author. Each book is designed, printed and bound in a fashion worthy of its contents and both are fine examples of modern bookmaking. The publishers have obviously recognized the worth of the volumes entrusted to their care and deserve commendation for their efforts.

It is common knowledge that today the mode is to please by simplification, accompanied by the naive hope that popularity will follow a blatant disdain of accepted standards. In learned journals and even in scientific circles that should know better one hears the shrill cry against the footnote. Publishers over-anxious to sell their wares and editors perplexed by constantly rising costs of production cry for the page of text pure. Fortunately, however, in Dr. Kisch's *The Jew in Medieval Germany* there has been no compromise with scientific requirements and elaborate documentation is given. For 364 pages of text there are almost 200 pages of notes. In the opinion of the writer these notes contain material that is not only essential for such a work but include matter which is frequently as informing and exciting as the narrative itself. A remarkably rich and well-ordered bibliography of forty pages and indexes for subjects, authors, geographical names, Jewish names and law sources complete the book.

With the publication of these two volumes by Dr. Kisch the bibliography for German history is materially enriched and the cause of scholarship in legal and historical studies advanced immeasurably. Not only beautifully designed and printed and, consequently, a delight to use, the larger synthetic work is written in prose characterized by both clarity and felicity of expression, an achievement difficult enough for one writing in his native tongue, all the more praiseworthy for one who has under different conditions mastered the subtleties of English. Certainly Dr. Kisch merits our gratitude for what he has done. If all are not in agreement with him on points where much still remains to be said, he will at least enjoy the satisfaction of having aroused opposition. It is certain, however, that for years to come no one will dare venture deeply into German history of the Middle Ages and ignore what he has here done so well.

[16] *Ibid.*, p. 362.

BOOK NOTES

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General

AMERICAN JEWISH YEAR BOOK: VOLUME 51—1950. Prepared by the *American Jewish Committee*. The American Jewish Committee. New York, 1950. The Jewish Publication Society of America. Philadelphia, 1950. Pp. XVII + 599.

MARKING the fifty-first year of publication, the *Year Book* summarizes activities of Jewish interest throughout the world for the year 1948-49. Prepared under the editorial direction of Morris Fine, the volume has been enlarged and appears in a new format. It contains a detailed analytic index to the contents.

The two leading articles, "The American Jew: Some Demographic Features," by Ben B. Seligman, and "Economic Status and Occupational Structure," by Eli E. Cohen, analyze the recent Jewish population surveys in Atlanta, Camden, Charleston, Erie, Grand Rapids, Indianapolis, Jacksonville, Miami, Newark, Portland, Ore., Scranton, Toledo, Tucson, Utica and Worcester. Data secured from Jewish vocational guidance agencies, figures on the immigration of DP's, and other statistical information are also presented. There is a survey of developments on the American scene affecting civil rights and civil liberties, and intergroup and interfaith relations. The varied activities and concerns of Jewish life—welfare, educational, religious, and cultural—are treated by experts in these fields. An expanded section deals with the cultural aspects of American Jewish life in terms of English, Hebrew and Yiddish literature, art, dance, music, and such popular media as radio, television and film. The importance of Israel in the world's news is reflected in various reports covering not only events in that country, but in the United Nations and the United States as well.

All in all a wealth of material is assembled in this volume of equal importance for the historian and the sociologist.

JEWISH BOOK ANNUAL: 5710—1949-1950. Volume 8. Published by the *Jewish Book Council of America.* Sponsored by the National Jewish Welfare Board. Jewish Book Council of America. New York, 1949. Pp. III + 119 + 155.

THE *Jewish Book Annual,* published in English, Hebrew, and Yiddish, has long been recognized as a valuable bibliographical tool for research in the fields of Jewish history, sociology, and literature. Joshua Bloch's comprehensive, classified survey of American books in the English language for 1948-1949, "The Year's Bookshelf," is a masterpiece of bibliographical accuracy and scholarly and literary reporting. The selective accounts of new publications in other languages and other countries also offer useful information. Special mention should be made of Isidore S. Meyer's pioneering attempt at a first bibliographical survey of that important form of history which considers events mainly in relation to individual personalities, that is, biography. It is to be hoped that his valuable "Introductory List" will soon be followed by a similarly well-annotated complete "American-Jewish Biography." The Jewish Book Council is to be congratulated on its very fine accomplishment as represented by the most recent volume of the *Jewish Book Annual.*

MIDDLE AGES

RABBI JONAH BEN ABRAHAM OF GERONA: HIS LIFE AND ETHICAL WORKS. By *A. T. Shrock.* Edward Goldston. London, 1948. Pp. 197.

"RABBENU Jonah the Great, the Pious, the Holy" of Gerona (ca. 1180-1263)," to whose biography and historical and philosophical works the present philosophical dissertation is devoted, has frequently been described by historians as a blind zealot or fanatic, and in similar derogatory terms. The author tries by thoroughgoing studies to assign a proper position in history to this medieval rabbi and Spanish-Jewish sage. He studied diligently and with great completeness his various religious works in the extant manuscripts as well as in all available early and later editions. On this basis he depicted R. Jonah's life, his origin, education, and activities as rabbi and teacher. The ethical writings are studied individually from the point of view of bibliography and literary history. But they serve the author also as a source for the historical reconstruction of contemporary Jewish life—religious, communal, cultural, as well as social and economic. A useful bibliography concludes the volume which is a welcome contribution to the medieval history of Spanish Jewry.

A HISTORY OF THE JEWS IN BAGHDAD. By the late *David Solomon Sassoon.* Published by his son Solomon D. Sassoon. Letch-

worth, 1949. Sales Agent A. Rosenthal Ltd. Oxford, England, 1949. VI + 236 pp.

THIS seems to be the first attempt to collect and group together published and unpublished material on the history of the Jews of Baghdad from the earliest period to modern times. The history of Baghdad Jewry begins with the year of the foundation of the city, 762 C. E. The description of the political status and the religious and intellectual life of the community is focused on the leading personalities. Particularly in the geonic period, these were great luminaries of Judaism, such as R. Sherira and his son R. Hai, and R. Samuel b. Hofni, the father-in-law of R. Hai, who spent their lives in Baghdad. Although this ancient settlement remained the largest Jewish community in Iraq throughout the Middle Ages and down to the modern period, its importance later became restricted to the Middle East. In the nineteenth century it sent out branches which spread to India and the Far East. It is pioneer work that has been done in this concise and popularly written book historical evidence for which can, to a large extent, be found in the author's *Ohel David: Descriptive Catalogue of the Hebrew and Samaritan Manuscripts in the Sassoon Library,* London (Oxford, 1932). This brief account of the contents is merely intended to direct attention to this work for whose publication interested scholars must be grateful to its editor.

ABYSS OF DESPAIR (YEVEN METZULA). The Famous 17th Century Chronicle Depicting Jewish Life in Russia and Poland during the Chmielnicki Massacres of 1648-49. By Rabbi *Nathan Hanover.* Translated from the Hebrew by *Abraham J. Mesch.* With a preface by Solomon Grayzel. Bloch Publishing Co. New York, 1950. Pp. XVI + 128.

NONE of the famous Jewish chronicles, *Shebet Jehudah* and *Emek ha-Bachah,* of which renderings into German (and French) were published almost a hundred years ago, is yet available in English. All the more is it to be appreciated that a beginning has now been made with Rabbi Nathan Hanover's *Yeven Metzulah* ("Abyss of Despair"), an account of the events which led to the Jewish massacres perpetrated by the hordes of the Cossak Hetman Bogdan Chmelnicky (1648-49), and a realistic description of the bloody persecutions. Despite many shortcomings of the seventeenth-century "historian," his description is the only fairly complete contemporary record of the fate that befell East-European Jewry three hundred years ago. Rabbi Mesch's translation is literal and faithful. His introduction gives the essential facts needed to understand the chronicle, and his notes serve to remove obscurities. It is to be hoped that other important sources of medieval Jewish history, too, will find able English translators.

History of Law

THE LAW. The Story of Lawmakers, and the Law We Have Lived By, from the Earliest Times to the Present Day. By *René A. Wormser.* Simon and Schuster. New York, 1949. Pp. XIV + 609.

ABOUT two decades ago, the late Dean Wigmore published a three-volume work, *Panorama of the World's Legal Systems* (1928), a comprehensive survey of legal development among all peoples on earth. It was based on extensive, scholarly research in national and comparative legal history and on a wealth of secondary sources in the collection of which Wigmore remained untiring until his death. In 1936 he published a one-volume edition of his original work, later supplementing it by another, similarly conceived book, *A Kaleidoscope of Justice* (1941). The work under review cannot make these predecessors obsolete. True, it serves another purpose. But it cannot even be compared with Wigmore's volumes. It is a popularization and simplification of the author's personal impressions, readings, and opinions on the history of law and its makers. What he says about Moses, Jewish law from the Bible to the Talmud, the "anti-Semitic legislation of the Middle Ages either enacted or inspired by the Church," Supreme Court Justice Brandeis (who, by the way, was not "the son of *poor* immigrants"), or "Adolf Hitler, the Lawmaker" is alike in pattern and quality. It is verbose and discursive in style, as to subject matter unrevealing for a scholarly reader, and will not enlighten but will rather confuse the general reader. This applies definitely to the treatment of ancient and medieval legal history in general. As far as legal development in America is concerned, the presentation is far superior. In this section, references to legal or legal-historical literature appear at times. Otherwise there is no source material listed nor any bibliography appended. Despite the apologetic tendency that quite frequently comes to the fore, this book will not help to explain Jewish law or put anti-Jewish legislation in its proper place.

Modern Jewish History

FRANZ KAFKA AND PRAGUE. By *Pavel Eisner.* Golden Griffin Books. Arts, Inc. New York, 1950. Pp. 100.

EISNER'S essay on Prague and Kafka is an extraordinary bit of history writing. It offers an historical-psychological account of the "spiritual ghetto of Prague," of "the uniquely pathological situation of the Prague German Jewish population" among the Christian Czechs and Germans during the second half of the nineteenth century and up to the First World War. The author based his almost photographic description on a wealth of source material, historical as well as psychological, which he stored in his memory after having analyzed it with profound

discrimination. It can be fully appreciated and critically checked only by those who, like Kafka and the author (and also the reviewer) were educated and lived in the atmosphere of the Bohemian capital with its magic power over men's souls and thoughts, that operates across time and space. It powerfully affected Franz Kafka, "this strange man of genius," and shaped the life and reflections of his soul. Hence, the historical description of his German-Jewish-Czech milieu will help readers of Kafka's works to understand his "marginal position" and "social dilemma." Beyond this immediate goal, the book is an historical-human document, a rare contribution to Jewish diaspora psychology and sociology. This is true in spite of the fact that in a few instances the author's historical judgment is marred by his political preoccupation and lack of objectivity, as in the case of Bruno Kafka (pp. 46 f.), the prototype of a nationally assimilated (baptized) Jewish intellectual who would be a rewarding subject of historical-psychological study. What the author has to say on the history of the Jews in Bohemia and their relations to the nationalities that were dominant in previous centuries, is based on insufficient historical information. A full century of Bohemian Jewish history after the expulsion by Maria Theresa in 1745 is ignored (pp. 15 f.), so that the emerging picture is inaccurate. Information on this period and on the role of the Jews in the national and political struggle between Czechs and Germans in Bohemia was already available in my book, *In Search of Freedom: A History of American Jews from Czechoslovakia* (London, 1949), pp. 21 ff. Older Hebrew literature designates the Jewish community of Prague as "a mother in Jewry," meaning a fountainhead of Jewish learning and culture, not as "the Mother of Jewry," as the author has it through an incorrect translation (p. 14). These are a few "Schönheitsfehler" of the book. They do not affect its main value, which is enhanced by the masterful photographs of picturesque Prague by Karel Plicka, Josef Sudek, and Jindřich Marco. The book was among those selected as the most outstanding typographical products of the year.

EBREI D'ITALIA. By *Guido Bedarida.* Società Editrice Tirrena. Livorno, 1950. Pp. 324.

EBREI d'Italia is dedicated to "all victims of Nazi ideology from all lands, of all races, and of all religions." It is an historical, sociological, and cultural account of Italian Jewry with particular emphasis on the last one hundred years (1848-1948). The first part of 112 pages discusses in six chapters origin, number, and distribution of the Italian Jews, their culture and activities, their relationships to the people of Italy, anti-Semitism and racism as introduced into Italy during the disastrous years of Mussolini's subservience to Hitler. The second part of roughly 160 pages presents in nineteen chapters a colorful picture of the cultural achievements of Italian Jews and their contributions to

modern Italian civilization. Beginning with the "Scienza del Giudaismo," the author describes and evaluates Jewish activities in all fields of human endeavor. He does it most interestingly and without ever resorting to dry enumeration of facts or mere lists of names. In an appendix two additional chapters are offered tracing Italian Jews in foreign lands and in the Italian colonies and investigating the relations of foreign Jews to Italian culture. Elaborate statistical data and several indexes conclude the volume. The work contains a full and well-documented account of modern Italian-Jewish history. This extremely useful book can and should serve as a model for a series of volumes in which the history of the various Jewries made extinct by Hitler barbarism should be kept alive for posterity.

Collected Essays

OUT OF MY LATER YEARS. By *Albert Einstein.* Philosophical Library. New York, 1950. Pp. VIII + 282.

AMONG the sixty chapters of Einstein's collected essays, written during the last fifteen years, fourteen concern Jews and Judaism (pp. 245-276). For the most part, they are brief articles, addresses, statements, or even notes of merely a few lines, some of them previously printed, some published for the first time. Although they are unequal in their historical significance, it is convenient to have Einstein's views on anti-Semitism, Zionism, the latest Jewish persecutions in Europe, Israel, and other topics easily available in this collection.

REFLECTIONS OF A WONDERING JEW. By *Morris Raphael Cohen.* The Beacon Press. Boston, Mass., 1950. The Free Press. Glencoe, Ill., 1950. Pp. VIII + 168.

THIS is one of the several volumes of the well-known philosopher which were published posthumously. It consists of various articles, addresses, and book reviews that had appeared previously in different places, for the most part in *Jewish Social Studies.* Only three items are here published for the first time. All are devoted to Jewish subjects. They are classified as follows: I. Jews in America; II. Jews and the World; III. Book Reviews. It is convenient for the student to have these essays of greater or lesser importance collected in one handy volume (it is doubtful whether all deserved reprinting). Most important seems the interesting discussion of an otherwise badly neglected topic, "Philosophies of Jewish History." From the editorial point of view, it would have been advisable to give place and date of original publication for each individual item instead of the collective "Acknowledgments" at the end of the volume. The method chosen by the editor makes it impossible to identify some of the items chronologically or bibliographically without further specific research.

NOTICES OF RECENT PUBLICATIONS

Joseph Dunner, *The Republic of Israel: Its History and Its Promise.* McGraw-Hill Book Company. New York, 1950. xvi + 269 pp.

Louis Finkelstein, *The Jews: Their History, Culture, and Religion.* Harper and Brothers. New York, 1949. Two vols. 1427 pp.

Solomon Goldman, *In the Beginning.* (The Book of Human Destiny:2). Harper and Brothers. New York, 1949. xiv, + 892 pp.

A. S. Hershberg, *Pinkos Bialystok (The Chronicle of Bialystok).* Vol. II. Basic Material for the History of the Jews in Bialystok till the Period after the First World War. Bialystok Jewish Historical Association, Inc., New York, 1950. xi + 380 pp. (Yiddish).

Alexander Marx Jubilee Volume [Saul Lieberman, editor]. On the Occasion of His Seventieth Birthday. The Jewish Theological Seminary of America. New York, 1950. Two vols. [English and Hebrew Sections.] xxiii + 667 and ix + 547 pp.

Paul Massing, *Rehearsal for Destruction: A Study of Political Anti-Semitism in Imperial Germany.* Harper and Brothers. New York, 1949. xviii + 341 pp.

Benjamin N. Nelson, *The Idea of Usury: From Tribal Brotherhood to Universal Otherhood.* Princeton University Press. Princeton, 1949. xxi + 258 pp.

Moshe Pearlman, *The Army of Israel.* Philosophical Library. New York, 1950. xvi + 256 pp.

Maxwell Silver, *The Way to God.* Philosophical Library. New York, 1950. x + 303 pp.

Leon Stein, *The Racial Thinking of Richard Wagner.* Philosophical Library. New York, 1950. xiv + 252 pp.

Selma Stern, *The Court Jew*. The Jewish Publication Society of America. Philadelphia, 1950. 330 pp.

Trude Weiss-Rosmarin, *Jewish Survival: Essays and Studies*. Philosophical Library. New York, 1949. 404 pp.

Erik Wolf, *Rechtsgedanke und biblische Weisung*. (Veröffentlichungen der Forschungsgemeinschaft der Evangelischen Akademien in Deutschland.) Furche-Verlag. Tübingen, 1948. 94 pp.

BIBLIOGRAPHY OF PERIODICAL LITERATURE

Compiled by

GUIDO KISCH

The Bibliography of Periodical Literature, which appeared for the last time in *Historia Judaica,* IX (1947), pp. 116-118 (with supplement in vol. X (1948), p. 98), is herewith resumed. The following list consists largely of articles of Jewish historical content that have appeared in non-Jewish scientific periodicals. From other periodicals only essays on the legal and social history of the Jews are included. In view of the fact that a period of four years (1947-1950) had to be covered, strict standards of selection had to be applied. Only articles of lasting scholarly value within the scope of this journal could be included.

It is intended to publish similar bibliographical compilations in the future comprising periods of three years. *The cooperation of authors in sending reprints to the compiler would be appreciated.*

GENERAL HISTORY OF THE JEWS IN VARIOUS LANDS AND HISTORY OF CIVILIZATION

Leo Baeck, Das Judentum auf alten und neuen Wegen. *Judaica,* VI (Zürich, 1950), 133-147.

Peter Berger, The Internationalization of Jerusalem. *The Jurist,* X (July, 1950), 357-387.

N. M. Gelber, The Problems of the Rumanian Jews at the Bucharest Peace Conference, 1918. *Jewish Social Studies,* XII, 1950, 223-246.

Max Gruenewald, Education and Culture of the German Jews under Nazi Rule. *The Jewish Review,* V (1948), 56-83.

Robert Kann, German-Speaking Jewry During Austria-Hungary's Constitutional Era (1867-1918). *Jewish Social Studies,* X (1948), 239-256.

Adolf Kober, Jewish Communities in Germany from the Age of Enlightenment to their Destruction by the Nazis. *Jewish Social Studies,* IX (1947), 195-238.

Adolf Kober, Documents Selected from the Pincas of Friedberg, a Former Free City in Western Germany. *Proceedings of the American Academy for Jewish Research,* XVII (1947-48), 19-60.

Isaac Levitats, Communal Regulation of Bar Mitzvah. *Jewish Social Studies,* XI (1949), 153-162.

Sol Liptzin, Attitudes toward Heine's Jewishness in England and America. *Yivo Annual of Jewish Social Science,* II-III (1947-48), 69-80.

Rudolf Loewenthal, La Press Juive à Shanghai après la guerre du Pacifique. *Bulletin de l'Université L'Aurore,* 1947, 183-191, 429-433.

Rudolf Loewenthal, The Nomenclature of Jews in China. *Monumenta Serica: Journal of Oriental Studies of the Catholic University of Peking,* XII (1947), 97-126.

Otto Mahn, Unrecht an Nietzsche. *Zwischen den Zeiten,* I (Koblenz, Feb. 1948), pp. 42-50.

Tovye Meisel, The Jews of Mexico. *Yivo Annual of Jewish Social Science,* II-III (1947-48), 295-312.

Hans Joachim Schoeps, Isaak Orobio de Castros Religionsdisput mit Philipp van Limborch. *Judaica,* II (Zürich, 1946), 89-105.

Hans Joachim Schoeps, S. L. Steinheim und Skandinavien. *Zwischen den Zeiten: Jüdisches Leben, Jüdisches Wissen,* I (Koblenz, Feb. 1948), pp. 36-41.

Zygmunt Sobieski, Reminiscences from Lwow, 1939-1946. *Journal of Central European Affairs,* VI (January, 1947), 351-374.

L. S. Stavrianos, The Jews in Greece. *Journal of Central European Affairs,* VIII (1948), 256-269.

Middle Ages and Renaissance

Ricardo del Arco and Federico Balaguer, Nuevas noticias de la Aljama judaica de Huesca. *Sefarad,* IX (1949), 351-392.

Raphael E. Aronstein, The Jews' Hat. *Zion,* XIII-XIV (1948-49), 33-42 (Hebrew).

Jose M.ª Sanz Artibucilla, Aportaciones documentales sobre la juderia de Tarazona. *Sefarad,* IX (1949), 393-420.

Bernhard Blumenkranz, La *disputatio judei cum christiano* de Gilbert Crispin, abbé de Westminster. *Revue du Moyen Age Latin,* IV (1948), 237-252.

Bernhard Blumenkranz, Die jüdischen Beweisgründe im Religionsgespräch mit den Christen in den christlich-lateinischen Sonderschriften des 5. bis 11. Jahrhunderts. *Theologische Zeitschrift,* IV (1948), 119-147.

Bernhard Blumenkranz, Die Juden als Zeugen der Kirche. *Theologische Zeitschrift,* V, 1949, 396-398.

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